

CA2ALZ 1

73A21

v. 4



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IN THE MATTER of the Public Inquiries Act,
R.S.A. 1970 C.296 and amendments thereto

AND IN THE MATTER of the Public Inquiry by
A.M. Harradence, Q.C., pursuant to Order in
Council 1295/73 dated August 21, 1973 into
the alleged use of excessive force by
Correctional Officers upon inmates of the
Calgary Correctional Institution during the
evening of July 17, 1973 and any other
similar instances.

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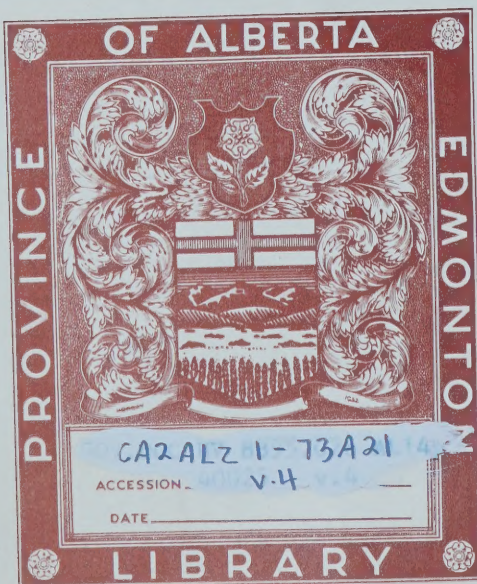
Proceedings taken in the Club Room at the
Jubilee Auditorium, Calgary, Alberta, com-
mencing on the 1st day of October A.D. 1973..

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P U B L I C I N Q U I R Y

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I N D E X

(Cont.)

PAGE

Opening of Hearing.....	399A
-------------------------	------

WITNESSES

ROBERT UNSWORTH

Direct Examination by Mr. Peacock.....	399A
Cross-Examination by Mr. Stilwill.....	409
Cross-Examination by Mr. Scott.....	411
Cross-Examination by Mr. Griffiths.....	414
Examination by the Commissioner.....	414

GUNTHER CORDES

Direct Examination by Mr. Peacock.....	417
--	-----

TERRY DALE WARR

Direct Examination by Mr. Peacock.....	420
Examination by the Commissioner.....	425

GUY ROONEY

Direct Examination by Mr. Peacock.....	426
Cross-Examination by Mr. Scott.....	432

BRIAN KEITH GREGORY

Direct Examination by Mr. Peacock.....	434
--	-----

F. D. LUMSDEN

Direct Examination by Mr. Peacock.....	440
Cross-Examination by Mr. Stilwell.....	443
Cross-Examination by Mr. Scott.....	446
Cross-Examination by Mr. Griffiths.....	447
Examination by the Commissioner.....	447
Re-Cross-Examination by Mr. Scott.....	447

JOHN GEORGE DEWAR

Direct Examination by Mr. Peacock.....	448A
Cross-Examination by Mr. Stilwell.....	463
Cross-Examination by Mr. Macdonald.....	464
Cross-Examination by Mr. Griffiths.....	481
Re-Cross-Examination by Mr. Macdonald.....	488
Re-Examination by Mr. Peacock.....	489
Re-Cross-Examination by Mr. Macdonald.....	491

WALTER JAMES CATER

Direct Examination by Mr. Peacock.....	493
Cross-Examination by Mr. Stilwell.....	508
Cross-Examination by Mr. Macdonald.....	509
Cross-Examination by Mr. Griffiths.....	526
Examination by the Commissioner.....	528

I N D E X
(Cont.)

	<u>Page</u>
Hearing adjourned.....	539
<u>EXHIBITS</u>	
46. Butter Knife/Table Knife as Described.....	442
47. Butter Knife/Table Knife as Described.....	442
48. Newspaper Clipping of Calgary Herald.....	445
49. Log Book.....	490

OCTOBER 5th, 1973

DEPOSITIONS TAKEN AT 10:00 A.M.

MR. PEACOCK: Mr. Commissioner, just to plan out our day here, we have five more inmates who will be testifying this morning and I believe all of our inquiries and requests for statements relating to this July 17th incident will reach an end and we will be finished with the inmates and I propose then that we can start on the personnel of the Institution. Call Robert Unsworth, please.

ROBERT UNSWORTH, having first been called and duly sworn, direct examination by Mr. Peacock, testified as follows:

Q Mr. Unsworth, you are presently a resident of the Calgary Correctional Institution?

A Yes, sir.

Q And you have been there how long?

A About 7½ months.

Q What are you in for?

A B & E and theft.

Q And how long, sir, is your sentence?

A Two less a day.

Q Less a day?

A Two years less a day.

Q On July 17th, 1973, were you housed in the West Wing of the Institution?

A Yes, sir.

OCTOBER 21st, 1973

DEPOSITIONS TAKEN AT 10:00 A.M.

MR. BEACON:

Mr. Beacons, just in

plan out our day here, we have five more inmates who will

be testifying this morning and I believe all of our

inquiries and requests for statements relating to this

July 17th incident will reach an end and we will be

finished with the inmates and I propose that we can

start on the personnel of the Institution. Call

Robert Unsworth, please.

ROBERT UNSWORTH, please

first, Mr. Beacons, I was born in the City of

Mr. Beacons, I was born in the City of

Mr. Unsworth, I was born in the City of

Correctional Institution

Yes, sir.

And you have been there how long?

About 15 months.

What are you in for?

2 to 5 and a half.

And how long, sir, is your sentence?

Two years a day.

Less a day?

Two years less a day.

On July 17th, 1973, were you housed in the West Wing of the

Yes, sir.

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Q What bed number were you in, do you remember?

A 14.

MR. PEACOCK: Could I ask the Clerk to show you Exhibit 16, please.

Q Do you recognize that as being a picture of one side of the West Wing?

A Yes, sir.

Q Is your bed on that side?

A Yes, sir.

Q Would you point out to the Commissioner where your bed was located?

A Just about in here. About half way down.

THE COMMISSIONER: On the left side of the photograph?

A Yes.

Q MR. PEACOCK: Could you show the rest of us, please.

A About half way down on the left side.

Q Now, on the night of July 17th, about 10:00 in the morning, could you tell us what occurred?

A Well, I was playing cards on the far side, on the right side with a few other guys and the T.V., radio, lights, everything went off all at once, ahead of time. I would say, maybe approximately 10 minutes ahead of time. When the lights went off there was a racket set up to get it all back on again, the lights back on, the radio back on and nothing was done.

Q What was the racket caused by?

A Voices.

Q That was fellows yelling, were they?

A Yes.

Q What happened?

A The guard just sat up there and smiled and sort of grinned. He kind of laughed and nothing was done, so the racket kept up. And the radio was turned on, but it was very dim. I was pretty well underneath the speaker, so I could hear it myself, but just barely even under the speaker. And gradually everybody went to their bed because it was pretty well bedtime and the lights were off and everything was off. The racket still kept up and the guard still sat up there and laughed and did his little thing. And when they were in their beds, they were still yelling and screaming, they started banging on the lockers.

Q Had the lights been turned on by this time and that is when the radio was turned back on?

A The radio was no louder than it was and I don't believe the lights were on. I don't believe they were turned on at all. The T.V. was still off.

Q You don't recall the lights being turned on again?

A No, I don't think so.

Q In any event, this racket and yelling and hitting of lockers continued, did it?

A Yes.

Q Are you able to tell me how long it went on?

A You mean for the whole duration?

Q Yes.

A Maybe an hour or two.

Q What?

A Maybe an hour or two.

Q I see. And did this yelling and banging of lockers go on uninterrupted or did the personnel of the Institution do something?

A It was interrupted. They came in a few times and stood up at the front and everybody quietened down. They never said nothing. Once there was two that went down, walked down one side on the left and another two walked down the right side to the end, stood there and looked around and then went out again.

Q And were the inmates still yelling?

A No. When they came in, everything quietened down and stopped right there.

Q And then they left, did they?

A Well, they went up to the front, up to the office.

Q And did the yelling and banging of lockers start again?

A Yes.

Q And it continued on?

A Yes.

Q What happened next?

A They came back in again and four guards went down the left side this time and they stood down there and looked around again and this time I seen billy clubs in their pockets, in

all four of their pockets. They did nothing. They just stood there and looked around and walked out again. And the racket started again. It stopped when they came in and started when they went out again. About five minutes later there was about, I would say maybe 15 guards came in with at least the first half dozen all carrying billy clubs in their hands. They walked down and about halfway down, just about in front of me and they jumped four inmates in their beds.

Q Did you hear anyone yelling anything at the guards as they were coming in?

A Not when they were coming in, no.

Q Did you hear anyone yelling threats to the guards during this period?

A When they were out, yes.

Q What did you hear?

A One threat was, "Step over that line and you are a dead cocksucker."

Q And do you know who yelled that?

A No, sir.

Q But it was an inmate, though?

A Yes. He was over on the other side of the wall and I could not tell.

Q And did they step over the line?

A Yes.

Q And there was quite a group of guards that came in?

A Yes. The first time there was two. The next time there

was four and then they came in, in force.

Q And when they came in, in force, you say they went and took four fellows out of bed?

A Yes.

Q Which four?

A Sims, Winters, Spooner and Watson.

Q Where were their beds in relation to yours?

A Sims and Winters were pretty well directly across and Spooner and Watson were a little further up to the front of the Wing.

Q So you had a good view of these beds, did you?

A Yes.

Q What did you see when the guards approached these beds?

A I seen one guard grab Sims, told him to get out of the bed, and he did. He was trying to get out when the guard grabbed him by the arm, pulled him back down and hit him with the billy club on the head and the shoulder, on the right side.

Q How many times did he hit him?

A Four. Maybe a half a dozen in his bed.

Q And your evidence is that Mr. Sims didn't jump out of bed when the guard approached?

A Not when he approached, no. When he was told to get out, he was getting out.

Q But he didn't get out and you say the guard put him back down in his bed and hit him about six times?

A Yes.

Q And there was no question that he hit him with a billy club?

A No. I seen the billy club hit him.

Q Then what happened?

A He finally managed to get him out of bed and four of them were taken out of the Wing, pushed out. I did not see them being hit going out, but I seen them being pushed and shoved and I seen (heard) screams down the hall.

Q I take it you "heard" screams and not "seen" down the hall?

A Yes.

Q Did you see Sims after they got him out of the West Wing?

A No, not after they took him out of the gate.

Q Not after he was taken out of the gate?

A No.

Q Now, do you know who the guard was that was taking Sims out of bed?

A Not definitely, no.

Q Did you see any of the guards strike any other inmates when they were getting out of their beds?

A I see one guy strike Winters, but I did not see whether it was a billy club or a fist.

Q Where did they hit him? In the face?

A In the face and shoulder.

Q How many times?

A Just a couple.

Q And then you saw them all get out of bed and they were herded out to the front, were they?

A Yes, sir.

Q And while they were going up to the front, you say that they were being pushed?

A Yes.

Q And you didn't see any of the guards strike him at that time?

A No.

Q But when they got outside in the hall you could hear them yelling?

A Yes.

Q Now, this noise, did you ever hear a racket of yelling and banging of lockers that lasted that long a duration as this one did that night in the West Wing?

A Never as long as that one, no.

Q Do you have any idea why this -- I take it the reason that you would assume that it started was because the radio and lights were turned off?

A Yes, sir, ahead of time.

Q And have you got any idea why the yelling and banging continued so long?

A Well, everybody was uptight for a number of reasons. The guard, he just laughed at us and wouldn't do nothing for us, so if he wasn't going to help us, we weren't going to help him.

Q Why were they uptight, do you know?

A Because we couldn't get anything from the front. Our requests were thrown out and we tried to get better food and this was all thrown out. The day passes were refused,

everything was refused. Pretty well everything.

Q Were you aware that there were knives in the West Wing that night?

A Yes, sir.

Q And how had you been made aware of this?

A Just by talk. I never did see any.

Q I see. So, you understood from someone that there were knives in the West Wing?

A One.

Q And did you have a feeling that something was going to happen that night before it happened?

A Well, that night we could feel something was coming up, but we - because we were so uptight, but we didn't know exactly when.

Q Were you uptight because you couldn't get requests?

A Everything was refused for us.

Q I see. Were you participating in the locker banging and yelling yourself?

A I had nothing to do with it whatsoever. I didn't even open my mouth.

Q You just watched the whole procedure?

A Yes.

Q Do you recall giving a statement to Inspector Roberts on September 7th?

A I don't remember the date, but I remember giving a statement.

Q And do you recall indicating to him that you thought that

the inmates themselves showed a "lack of courage" that night?

A Yes, sir.

Q What was your observation there?

A Well, when the guards came in and started beating on the inmates, I don't believe everybody should have just backed down and did nothing.

Q What do you suggest they should have done?

A I don't really know, but they should have done something.

Q Well, after they removed these four fellows, did you find that the banging of lockers and yelling ceased?

A Completely.

Q Do you think that the guards acted properly in taking these four gentlemen to solitary that night?

A In taking them, yes. But, not in the manner of taking them.

Q So, I take it your criticism is in the manner in which they were treated on their way there?

A Yes, sir.

MR. PEACOCK:

Those are all the questions

I have.

THE CLERK:

Pardon me, sir, I believe

there are some people in the back that are going to be called as witnesses.

MR. PEACOCK:

If there are people who expect to be called, they should step out of the room.

These are all the questions I have. Would you answer other

counsel, please.

THE COMMISSIONER:

Mr. Stilwell.

CROSS-EXAMINATION BY MR. STILWELL:

Q Would you look at Exhibit 16 again, please.

THE COMMISSIONER:

Mr. Clerk, would you show

the witness Exhibit 16, please.

Q MR. STILWELL:

Now, is that taken from

the direction that the guard's cubicle?

A Yes.

Q In other words, if you are in front of the cubicle, looking down the Wing, that's what you would see?

A Right.

Q Now, hold up the picture so that we can see it over here, will you. Put your finger on the place where your bed is.

A Approximately right there.

Q And that is more than halfway down, is that right?

A Well, there's 24 beds on one side and I am number 14, so it would be a little bit more than halfway, yes.

Q Now, will you look at Exhibit 18, please. What does that show?

A That shows looking out at the cubicle.

Q Now, in the first picture we get the view that the guard in the cubicle would have been looking down towards you and in this particular picture, this is looking back towards the cubicle?

A Right.

Q Would you put your finger on the glass where the guard is in his cubicle? And hold it up so that everybody can see it.

A Right there.

Q That is where the guard is?

A Yes, sir.

Q Now, there are switches that control the lights and radio inside the cubicle, are there not?

A Yes, sir.

Q So when Mr. Dewar turned off the lights, he had to be inside the cubicle?

A Right.

Q I suggest that inside the cubicle the light is on the table and not on the ceiling?

A Right.

Q And the light that illuminates the paper, books or whatever the guard is working with is on the table?

A Right.

Q So after he turned off the lights, the only light remaining was that one on the table in the cubicle?

A I don't know if that was on or not.

Q Well, everything else was off, anyway?

A Right.

Q And Mr. Dewar remained in the cubicle then?

A Yes.

MR. STILWELL:

That is all.

THE COMMISSIONER:

Mr. Scott.

CROSS-EXAMINATION BY MR. SCOTT:

Q Mr. Unsworth, how long had you been in the West Wing prior to that evening?

A About three months.

Q Had you on any occasions experienced or seen incidents where the inmates would clammer and make noises after lights were out?

A Just about every night.

Q Just about every night?

A Yes.

Q When this incident began, the yelling in particular, it was not an unusual occurrence?

A No, not to start with.

Q When did it become apparent to you that it was going to be of a longer duration than usual?

A When we got in our beds and it kept going.

Q Now, you stated, I believe, that you can't recall the lights going back on again?

A No, sir.

Q In your opinion, if the guards had not taken the measures that they did, that is if they had not come down, yanked these people out and if they hadn't walked up and down the various aisles of the wing with billy clubs in their hands, in fact if they hadn't come in at all, Mr. Coljee and Mr. Lynch and that type of thing and I understand there were remarks directed to them; if they hadn't come in and Mr. Dewar had just remained in his cubicle, in your opinion,

do you think the yelling and that would have eventually subsided?

A Yes.

Q Now, you stated that you felt that when the guards did come in and take the four to the hole, this in itself, there was nothing wrong with taking these people to the hole?

A No.

Q Do the inmates of the prison generally accept the fact that when they get out of line they are going to be, shall we say, punished in this manner? That they know that they are going to be taken to the "digger" or the hole?

A Yes, sir. Whether they are guilty or not guilty, you still go to the hole first.

Q I see. Do they resent going to the hole before they are, say, found guilty or not guilty?

A Yes, sir. They think they should go to Warden's Court first and plead their case.

Q Have you ever spent any time in the hole?

A Yes, sir.

Q How long?

A Three days.

Q Is that consecutively or separate times?

A Consecutively.

Q Were there any beds in that cubicle or in that cell?

A Pardon?

Q Is there a bed in the hole?

A Yes, sir.

Q And are there any toilet facilities?

A Yes, sir.

Q Now, you were in bed number 14. How far away from you was Sims' bed?

A About ten feet.

Q It was on the other side of that side of the range. Is that right?

A Yes.

Q Directly across from you?

A About one, two beds down.

Q And there is no doubt in your mind what you saw that night with respect to Sims getting out of bed?

A There isn't.

Q Now, you stated that you heard some yelling out in the hallway. Is that correct?

A Yes, sir.

Q Was that yelling consistent with someone who is receiving pain or being injured?

A The sound of agonizing and in short screams.

Q Did you hear any sounds that sounded like whacks or somebody, you know, something hitting something else?

A No, sir.

Q You couldn't hear that?

A No.

Q You just heard the screams?

A Right.

Q Were you charged with anything as a result of this incident?

A No, sir.

MR. SCOTT: Those are all the questions
I have, Mr. Commissioner.

THE COMMISSIONER: Mr. Griffiths.

CROSS-EXAMINATION BY MR. GRIFFITHS:

Q Mr. Unsworth, when the guard first came into the West Wing,
did they show any force the first time?

A Not when they came the first time, no, sir.

Q They came in twice without showing any force, did they
not?

A No force whatsoever the first two times.

Q Were the lights on during this incident regarding Mr.
Sims that you have encountered took place?

A (No answer)

Q Were the overhead lights on at that time?

A No, sir.

Q It was just by the night lights, was it?

A Yes.

Q I believe you just stated you saw a guard hit Mr. Sims.
Do you know which guard it was?

A Not definitely, no.

Q Is that because you couldn't see him?

A I was not looking at his face. I was shocked to see the
billy clubs and I was concentrating on them.

MR. GRIFFITHS: Thank you.

EXAMINATION BY THE COMMISSIONER:

Q Mr. Unsworth, I was interested in your remarks that you

felt that the inmates showed a lack of courage at that time. You made that remark to Chief Inspector Roberts?

A Yes, sir.

Q And I take it that you made that remark because you felt that the treatment you saw being metted out to Sims was something that should have called for interference by the inmates?

A Pardon me?

Q I take it that you say the treatment that you saw metted out to Mr. Sims was something that called for interference by the inmates?

A Yes, sir. There was a disturbance after lights out and they should be charged for that and they were charged for the disturbance after lights out.

Q But what I am concerned with is your reason as to why you felt that the inmates showed a lack of courage and I am just trying to find out whether or not you felt they showed a lack of courage because of the treatment they allowed to be metted out to Sims in the dormitory. Is that correct? Or am I wrong on this.

A Yes, sir. I am not specifically speaking about the four inmates. I am speaking about the other inmates.

Q But if you will bear with me. I am trying to get to the source of your remarks as to why you say they showed a lack of courage. Is it because of the treatment they allowed to be metted out to Sims by the guards?

A Yes, sir.

Q And you told us that they were uptight?

A Yes.

Q At that stage?

A Yes, sir.

Q That would be something that would probably be known to the guards, would it not?

A I think so.

Q And therefore, a treatment, such as you described, might have likely precipitated, then, a retaliation by the inmates at that time. Am I correct in assuming that?

A Yes, sir.

Q Now, you say that the only lights that were on, were the night lights?

A Yes, sir.

Q Where is your bed in relation to the inmate, Graham's bed.

A (No answer)

Q Do you know Graham?

A Yes, sir. He was right next door to me.

Q Right next to you?

A Yes. He was in 19 and I was in 14.

Q Would he be closer or would he be -

A He would be pretty well directly across from Sims bed.

Q Right across?

A Yes.

Q So, you would have to look across certain beds to see what you saw, is that correct?

A No, sir. There was an opening way down there.

I see. You and Graham were both on the same side?

Yes, sir.

And you were wearing your glasses, of course?

Yes, sir.

Do you always wear them in bed?

No, sir. But, everything was going so fast I put them on to see what was coming.

You put them on in the dark?

Yes, sir.

THE COMMISSIONER:

I have nothing further.

Thank you.

MR. PEACOCK:

That is all. Thank you,

Mr. Unsworth. Call Gunther Cordes.

GUNTHER CORDES, having first been called and duly sworn, direct examination by Mr. Peacock, testified as follows:

Q Mr. Cordes, you are presently a resident of the Calgary Correctional Institute?

A Yes.

Q How long have you been there?

A Just about six months.

Q And what are you in there for?

A Possession of narcotics.

Q And what was your sentence?

A Two years less a day.

Q Now, on July 17th, 1973, were you housed in the West Wing?

A Yes.

Q Do you remember your bed number?

A 51.

Q I am going to ask the Clerk to show you Exhibit 16, please.
Can you identify that as a photograph of one side of the
West Wing?

A Yes.

Q Taken from about the guard's cubicle?

A Yes.

Q Could you show the Commissioner on that photograph approximately
where bed 51 would be located?

A Okay. Third bed from this side.

THE COMMISSIONER: On this side?

A On the right side of the wall.

THE COMMISSIONER: Perhaps you could now show
him the other photograph. I believe that is Exhibit 17.

MR. PEACOCK: Exhibit 17, Mr. Clerk,
please.

Q Was that the side of the Wing that your bed was on?

A Yes.

Q Show the Commissioner, if you will, where your bed was?

A Right here.

THE COMMISSIONER: Thank you.

Q MR. PEACOCK: Would you show the rest
of us, please, Mr. Cordes?

A Right there, the third bed.

Q I see. Now, that night there was a disturbance that
broke out. Is that correct?

A Yes.

Q And ultimately a group of guards came in and removed four people?

A Yes.

Q Did you see the guards enter the West Wing?

A No. I just heard them.

Q What did you hear?

A Well I heard them coming in. I knew it was the guards because I could tell from the sound of their boots and there was quite a few of them.

Q You didn't see them come in, though?

A No.

Q What did you hear?

A Well, I heard them go down and I heard a scuffle and the it sounded like slaps. I don't know. There was scuffling all the way out of the Wing and once they were out of the Wing there was some screaming.

Q Did you at any open look over the partition to the other side of the Wing to see what was going on or did you lay low?

A No, I stayed on my bed because Mr. Cater was right by my bed with a gun, so I didn't move.

Q Was that a gas gun?

A I guess so.

Q So that all you observed when the guards came in and went out was sounds. Is that correct?

A That is true.

Q And you say you heard some scuffling behind the partitions?

A Yes.

Q And you heard what you thought sounded like slaps?

A Yes. I heard, well, I can't really say if it was slaps, but it was just scuffling and that's all I really heard, was scuffling.

Q Did you hear anything really being said?

A No. Nothing was said except the screaming. I don't know but a lot of shouting and that.

Q And then you heard them scuffling up to the front?

A Yes. Right out of the Wing.

Q And after they got out into the hall, you heard some yelling and screaming did you?

A Yes.

MR. PEACOCK: Those are all the questions I have. Will you answer other counsel, will you please.

THE COMMISSIONER: Mr. Scott.

MR. SCOTT: No questions, sir.

THE COMMISSIONER: Mr. Griffith?

MR. GRIFFITH: No, sir.

THE COMMISSIONER: Thank you very much, Mr. Cordes.

MR. PEACOCK: Call Terry Warr.

TERRY DALE WARR, having first been called and duly sworn, direct examination by Mr. Peacock, testified as follows:

Q Mr. Warr, do you presently reside at the Calgary Correctional Institution?

A Yes, sir.

Q And were you there on July 17th?

A Yes.

Q How long are you there for?

A I am serving a year's sentence.

Q For what?

A Break & entering.

Q And when did you first go in?

A April 27th.

Q Now, on July 17th, were you in the West Wing?

A Yes, sir.

Q What bed number were you in?

A 88.

Q Now, would you look at Exhibits 16 and 17, please.

THE CLERK: That is Exhibit 16.

Q MR. PEACOCK: Would you advise if those are pictures of both sides of this Wing taken from around the guard's cubicle?

A Yes, sir.

THE CLERK: And that's Exhibit 17.

MR. PEACOCK: Could you point to the Commissioner where your bed is located or was located on July 17th?

A Roughly right in there.

THE COMMISSIONER: Where the gentleman is sitting in the right hand of the photograph?

A Yes. Somewhere around there. I can't see the bed numbers.

THE COMMISSIONER:

No.

Q MR. PEACOCK: Would you show us that, please, as well.

A Right in there.

Q I see. Now, that evening there was a bit of a disturbance about 10:00 o'clock, is that correct?

A Yes.

Q And that involved yelling and banging of lockers after the lights went out?

A Yes.

Q Ultimately did a group of guards enter the West Wing?

A Yes.

Q Could you tell us what you observed when they came in the West Wing and what happened, and then what happened when they left?

A Well, about 11 or 12 guards came in and, well, on the side on the side that I was on, which is the West side of the West Wing. A guard came over with, I think it was a gas gun or some kind and threatened that if anybody got up he would shoot him or shoot in the air. Use something, or something like that. From where I was, I was sitting up in my bed because at that time there was a commotion and I wanted to see what was going on. Most of the guards went over to about the centre area of the east side of the West Wing.

Q Now, when they went to that east side, that is on the other side of the wing from where your bed is?

A Right.

Q And is there a partition that separates the two sides?

A Yes.

Q How high would that partition be?

A About four feet.

Q Okay. What did you observe?

A I seen - I am not exact on this, but I seen some guards go over to the beds on the east side, on the east side of the wall. I mean on the east side of the Wing, nearest the partition. I seen some guards going over there and I seen a couple of guards raise their billy clubs and start swinging down in a swinging motion.

Q Did you see what they were hitting?

A No, I didn't.

Q Could you hear the billy clubs striking anything?

A I heard a noise, but I mean I couldn't really detect what it was for sure.

Q At which time the lights were on or off?

A The main lights were off, yes.

Q So, just the night lights were on?

A The night lights, yes. Around the washroom and stuff like that were on.

Q Which is up at the front?

A Yes.

Q Now, you saw these guards. Are you able to identify which guards had these billy clubs going up and down with their -

A No, not really.

Q What did you observe, them?

A Well, after that, it was within a matter of a couple of minutes, they hauled out four people. Sims, Winters, Watson and I can't remember the other person.

THE COMMISSIONER: Spooner?

A That's what I heard later on.

Q MR. PEACOCK: And did you see them hustle them up to the front?

A Yes.

Q Did you see any of the guards striking any of these four on the way to the front?

A No. From my position it was pretty, you know, hard. I didn't see them striking them.

Q Did you hear anything after that?

A Well, I heard some noise, like maybe they were - like there was somebody screaming out in pain or not screaming, but moaning or something like that.

Q Where was this?

A This is up around the front part where the guards were.

Q But you didn't see anything happen? You just heard this yelling, did you?

A Yes.

Q Had you ever experienced, during your time in the Institution, an evening where noise and banging of lockers subsisted for such a length of time as it did that night?

A No.

Q Do you have any idea how the banging of lockers and yelling

how long it continued that night?

A It is hard to say. I would say five, maybe ten minutes.

Q Is that all?

A As far as I could tell.

MR . PEACOCK: Those are all the questions
I have. Would you answer other counsel, please.

MR. STILWELL: No questions.

THE COMMISSIONER: Mr. Griffiths.

MR. GRIFFITHS: No questions.

EXAMINATION BY THE COMMISSIONER:

Q Have you had any discussion with any of the other inmates
as to what you were to say today?

A No. Because, well, not, until recently.

Q How recently.

A Last couple of days.

Q And you then had discussions with them as to what you would
say here today?

A Just discussed what I had to say?

Q Yes.

A No. I kept that to myself.

Q You kept that to yourself?

A Yes.

THE COMMISSIONER: All right, then. Thank
you.

MR. PEACOCK: Thank you, Mr. Warr.

That's all. Call Guy Rooney.

GUY ROONEY, having first
been called and duly sworn, direct examination by Mr.
Peacock, testified as follows:

Q You are presently an inmate of the Calgary Correctional
Institution?

A Yes, I am.

Q And how long have you been there?

A About three months.

Q How long is your sentence?

A 18.

Q What was the sentence for?

A Possession for the purpose.

THE COMMISSIONER: Possession of what?

A M.D.A.

THE COMMISSIONER: How old are you?

A 18.

Q MR. PEACOCK: Now, on July 17th, 1973,
were you housed in the West Wing of the Institution?

A Yes, I was.

Q Can you tell me, what was your bed number?

A Bed 11.

Q Could I ask you to speak loudly because the Court Reporter
has to take down what you are saying here.

A Okay.

MR. PEACOCK: Would you show the witness
Exhibit 16, Mr. Clerk.

Q Do you recognize that as a view of one side of the West Wing

from around the guard's cubicle?

A Yes, I do.

Q Was your bed on that side of the Wing?

A Yes, it was. I was over here.

Q I am sorry?

A Yes, I was.

THE CLERK: Show it to the
Commissioner.

Q MR. PEACOCK: Would you show it to the
Commissioner as to where it was?

THE COMMISSIONER: Thank you.

Q MR. PEACOCK: Could you show the rest
of us, please. Just hold the picture up and show it to
us.

A On this side, about there.

Q Where were you in relation to a Gunther Cordes?

A I can't remember.

Q How about Unsworth?

A I can't remember which bed he was in, either.

Q I see, okay, but, you were on the wall or in a bed that
was on the wall and the window side of that part of the
dorm?

A Yes, I was.

Q Now, a disturbance broke out that night, did it?

A Yes.

Q And it ended up with inmates yelling and about the radio
going off?

A Yes.

Q And banging on lockers with shouts and things like that?

A Yes.

Q Could you tell us how long that lasted, approximately?

A Oh, I can't give you a statement of the time.

THE CLERK: Will you speak up, please.

Q MR. PEACOCK: Ultimately did a group of guards come in?

A First there was a number of men, four guards, they came in. Mr. Coljee was one of them.

Q Did the yelling and banging of lockers continue while he was there?

A No, they quietened down.

Q And I take it there were words of derisiveness hollered at Mr. Coljee, was there?

A Yes.

Q When he left, did the banging of lockers and yelling resume?

A Maybe not as much as before. I can't remember.

Q What happened then?

A I remember Sims looking at the door. There was a lot of correctional officers at the guard's cubicle and right by the gate, lined up, when they came in.

THE COMMISSIONER: Don't be nervous. Just speak right up, will you please.

A And then they came in. One guard stood there and I thought it was a shot gun. He stood right between - there

was a brick wall between each side of the West Wing.

Q MR. PEACOCK: Was that Mr. Cater?

A I only had been in there a matter of days, maybe a week.

Q So you don't know who that was?

A No.

Q What did you observe, what happened?

A Well, he said, "Nobody move", or something to that effect.

Q Then what happened?

A I was paying attention to my side and one guard walks down to the end and he stopped and another one stopped at the other end, each end of my side. Then things were really quiet. Well, a sarcasm came from the other end and when he would walk to the other end it would shoot back to the other end again.

THE COMMISSIONER: The sarcasm would come from wherever he wasn't, is that it?

A Yes. I am not sure whether it was four guards, maybe more. They stood beside Sims, Spooner and Watson's bed.

Q MR. PEACOCK: They stood beside Sims, Spooner and Watson's bed?

A And Winters.

Q And Winters?

A Yes.

Q And what happened then?

A Well, they dragged him out of bed and I was watching Sims and I remember a club, but there was only one club I seen.

Q Did you see any of the guards strike any of the inmates

with their clubs at this time?

A Not that I can recall.

Q Where was Sims' bed in relation to yours?

A It would be about three beds down from mine. Maybe two.

Q Across the corridor?

A Yes. Across the corridor.

THE COMMISSIONER: Perhaps, would you mind, Mr. Peacock; let's have the witness indicate where Sim's bed was. Either on Exhibit 16 or 17.

THE CLERK: These two photographs here.

Q MR. PEACOCK: In Exhibit 16, I think you can identify where his bed was.

A His bed was about right there.

THE COMMISSIONER: You are indicating the right side of the photograph?

A Yes.

THE COMMISSIONER: Okay. What Exhibit number was that?

THE CLERK: Exhibit 16, sir.

THE COMMISSIONER: And that's the one he indicated?

THE CLERK: That is right, sir.

THE COMMISSIONER: Okay.

Q MR. PEACOCK: Now, you say you saw one club but you didn't see anyone struck with it, is that correct?

A Yes, that is correct. I can't remember. I see the one club.

THE COMMISSIONER: Please speak up.

A I seen the one club.

Q MR. PEACOCK: Could you try hollering at me so that perhaps we can hear you.

A Okay. I seen the one club and I don't know if the officer or any of them -

THE COMMISSIONER: Just pretend that Mr. Peacock is a guard.

Q MR. PEACOCK: All right. You have indicated that you saw one guard with a club and you don't remember who the guard was. Is that correct?

A No, I don't.

Q Did you see that guard strike any of the inmates while they were getting the four of them out of bed?

A No. I seen Sims on his knees and that was it.

THE COMMISSIONER: What was that?
Speak up so that everybody can hear you.

Q MR. PEACOCK: You saw Sims on his knees?

A Or ducking, something like that.

Q I can't hear you.

A I saw Sims on his knees.

Q And what caused him to be on his knees?

A He was probably hitting him.

Q You didn't see him hitting him though?

A I can't remember seeing him.

Q Sims, I take it, was out of bed when he was on his knees?

A Part way.

Q And did he get up and go out?

A Yes, he did.

Q All four of them went out, did they?

A Yes.

Q On their way out, did you see any of the guards striking any of the inmates?

A They were shoving him along. That's all I can remember.

Q They were shoving him along?

A Yes.

Q Did you hear anything after they got out of the West Wing?

A Yes, screams.

Q How many screams?

A I can't remember.

Q I take it after they were removed, these four fellows, that the yelling and banging of lockers ceased?

A Yes.

MR. PEACOCK: That's all I have. Answer
other counsel, please.

MR. STILWELL: No questions.

CROSS-EXAMINATION BY MR. SCOTT:

Q Mr. Rooney, in answer to one of Mr. Peacock's questions, you said, I believe, and it is very difficult to hear you, to say the least, but I believe you said that Mr. Sims was

down on his knees and you said something to the effect he was probably ducking blows or something of that nature. Do you recall mumbling that?

A Yes.

Q Now, you said you didn't see Sims get hit?

A No, I can't remember.

Q But you also said that he could have been ducking blows when he was down on his knees. Are you saying, therefore, that he could have been hit but just that you didn't see it?

A No, I was paying attention to the shot gun.

Q You were paying attention to the shot gun, so you actually weren't watching Sims all the time?

A No. I was watching whoever it was that had the shotgun.

Q So therefore, your testimony today is that you didn't really watch Sims all the time?

A No. I paid attention to all four of them after everybody was around me.

Q And Sims could have been hit and you just didn't see it?

A (Nods head)

Q Is your answer yes?

A Yes.

MR. SCOTT:

Thank you.

MR. GRIFFITHS:

No questions.

THE COMMISSIONER:

Thank you, Mr. Rooney.

MR. PEACOCK:

Thank you, Mr. Rooney.

Call Brian Gregory, please.

BRIAN KEITH GREGORY, having first been called and duly sworn, direct examination by Mr. Peacock, testified as follows:

Q Mr. Gregory, how old are you?

A 25.

Q And are you presently ensconced in the Bowden Institute?

A Yes, I am.

Q I take it that you were at one time this year as a resident of the Calgary Correctional Institution?

A Yes, sir.

Q And how long was your sentence?

A 26 months.

Q What was the charge?

A Parole violation and break and entry charges.

Q When were you moved to Bowden?

A I think it was in March. No, September.

Q On July 17th, 1973, you were in the West Wing of the Calgary Correctional Institution?

A Yes, I was.

Q Can you remember what bed number you were in?

A In 9.

Q Now, could you look at Exhibit 16, please, and advise if
is the
that/side of the West Wing that your bed was located on?

A Yes, it was.

Q Could you show the Commissioner where your bed was?

A Right in there.

THE COMMISSIONER:

Right down the centre?

A Yes.

Q THE COMMISSIONER: What bed number was that?

A 9.

Q MR. PEACOCK: Could you show the rest of us, please.

A Right in here, between these two lockers here.

Q Where were you in relation to the bed of a fellow named Rooney?

A Who?

Q You know Rooney?

A Rooney?

Q Yes.

A No, I don't.

Q How about Sims?

A Sims, yes, Sims was directly on this angle of my bed. He was straight across from me and about three beds up.

Q I see. Now, on July 17th, about 10:00 o'clock a bit of ruckus started in the West Wing. Is that correct.

A Yes.

Q And as a result of light and radio going out, the inmates began to holler and bang on their lockers?

A Yes.

Q Could you tell us, have you got any idea how long the banging of lockers and yelling continued?

A For an hour or so until the guards started coming in and everything was pretty quiet then.

Q How many guards came in?

A From what I figured, 8 to 10 guards were in there.

Q I take it there had been other guards coming in and strolling around to see what was going on?

A Yes, there was.

Q And when these guards would come in and walk down and back again, would the banging on the lockers and yelling stop?

A Yes.

Q I take it the yelling at these guards wouldn't stop?

A No. The odd word was thrown in.

Q Now, after these guards went down and came back and got up to the front, did the banging on the lockers and yelling resume again?

A Yes.

Q And then ultimately approximately 8 or so guards came in all at once?

A Yes.

Q What happened if you can tell us, please.

A Well, as Mr. Schlegel was in the lead when the guards come in and they went directly to the four beds straight across from me and once they directed the boys to get out of bed, but before they directed them out of bed, Mr. Schlegel went to grab Sims, but he missed. He went to grab him by the arm and missed and hit him in the chest and Sims went to get out of bed and while he was getting out of bed he was shoved by Mr. Schlegel which he went on his knees. And then the other guard beside him, he

hit him with the club in his hand. He hit him on the shoulder part.

Q Now, let me just back up again. You say Mr. Schlegel approached Sims' bed?

A Yes.

Q And you saw him hit Sims across the chest with the billy club?

A He said, "Get up you little bastard", and then he accidentally went to grab for his arm and missed his arm and then hit him in the chest.

THE COMMISSIONER: With what?

A MR. PEACOCK: Are you saying that when he hit him in the chest that it would appear to you that he hit him accidentally as he was in the melee?

A Possibly, yes.

Q Did you see him hit him more than once?

A Yes, I did.

Q Mr. Schlegel?

A Mr. Schlegel.

Q How many times did you see him hit him?

A I seen him hit him about twice, after that incident there. And then the guard that was on the other side of the bed there, when Sims went to get up, Mr. Schlegel accidentally shoved him again, which Sims went down on his knees. That's when the other guard hit him with the hand, with the club.

Q Who was the other guard?

A I don't remember the other guard.

Q So, there were two guards at Sims' bed?

A Yes.

Q And Mr. Schlegel at one time grabbed Sims and you say when he grabbed him his hands slipped and the club came down and hit Mr. Sims on the chest?

THE COMMISSIONER: No, I don't think he said that.

MR. PEACOCK: I am sorry, sir. I may have it wrong.

A I didn't say that. I said Mr. Schlegel grabbed him. I don't think Mr. Schlegel had a club in his hand. He had no club, but he went to grab his arm and missed. And then when he came down, he hit him in the chest and then Sims got out of bed and that's when Mr. Schlegel accidentally shoved him. He went down on his knees and that's when the other guard come down and hit him with the club.

Q I see, okay. The other guard hit him where, in the shoulders?

A On the shoulder.

Q Was the other guard standing behind or in front of Sims?

A In front. Sims was facing this way and he come down this way and then told him to get on his feet. So, then they put the handcuffs on him.

Q Oh, I see. So, after Sims got up, did you say they handcuffed him?

A After they handcuffed him, yes.

Q Then what happened?

A Before they got him out of bed they had the handcuffs on him. But, he did have handcuffs on.

Q I see. Did they remove any of the other inmates as well?

A Yes. They removed Winters, Watson and Spooner.

Q And did they handcuff all three of them as well?

A No, they didn't.

Q Sims was the only one who was handcuffed?

A Yes.

Q When they got them out of bed, what happened?

A They were shoving them out of the doorway and then while they were more or less roughhousing them down the yard, just short of shoving them and telling them to get moving.

Q Did you see any of the guards striking them, these four on the way out?

A No, I didn't.

Q Did you hear anything after they got out?

A Yes, I did.

Q What did you hear?

A Hollering, smacks, "Get a move on" and all that.

MR. PEACOCK: I see. Those are all the questions I have. Answer other counsel, please.

MR. STILWELL: No questions.

MR. SCOTT: I have no questions.

MR. GRIFFITHS: No questions.

THE COMMISSIONER: Thank you very much.

MR. PEACOCK: Sir, that's the evidence of the inmates that we have in respect to this one incident. Perhaps we could adjourn and resume.

(Brief recess)

MR. PEACOCK: Call Mr. Lumsden, please.

F. D. LUMSDEN, having first been duly called and sworn, direct examination by Mr. Peacock, testified as follows:

Q Mr. Lumsden, what is your occupation?

A I am a C.O.1 Correctional Officer of the Calgary Correctional Institution.

Q And were you so employed on the 17th and 18th of July 1973?

A Yes, sir, I was.

THE COMMISSIONER: Mr. Peacock, before you go further, I think I must bring to the attention of all counsel that Mr. Lumsden has been present in this room throughout the proceedings.

MR. PEACOCK: I think if I am not mistaken Mr. Stilwell brought that up at the outset and I believe it was that Mr. Lumsden was given leave to stay in during the proceedings because of his position with the Alberta Civil Service Association.

MR. STILWELL: Yes, sir. You will recall how I made that application.

THE COMMISSIONER: All right, as long as

all counsel are aware of that.

MR. SCOTT: That is the case, sir.

Q MR. PEACOCK: Mr. Lumsden, could you tell us what you did or what your involvement was in the West Wing on the 18th day of July, 1973?

A Well, I run the inmates stores and tailor shop at the Calgary Correctional Institution and one of my jobs is to make an inspection of the Wings for excessive clothing. That is, clean and dirty clothing that the inmates have stashed away. On this particular day, the 18th, Mr. John Schlegel and I, who usually goes with me, made an inspection of the West Wing. We went in looking for clean and dirty clothing, plus any miscellaneous items we may find, e.g. counterbrand and excessive cups and cutlery and this type of stuff.

Q Could you tell us what were the results of your search that day, please?

A The search that day, we got a carton load of clothes and I also picked up two table knives.

Q Do you have those with you now?

A I do, sir.

Q Could you show them to the Commissioner, please.

Now, where did you find those knives?

A I found them on the east side of the West Wing in the area of beds 9, 10, 11 and 12.

Q Were those knives in any particular place?

A They were hit in boots that were left behind by inmates who

had either been transferred to released from the Institution.

Q Those are butter knives, are they?

A They are table knives, butter knives.

MR. PEACOCK: Perhaps we could mark those knives, Mr. Commissioner, as Exhibits 46 and 47.

THE COMMISSIONER: Would you mark this one, please, as 46.

EXHIBIT 46 - BUTTER KNIFE/
TABLE KNIFE AS DESCRIBED.

EXHIBIT 47 - BUTTER KNIFE/
TABLE KNIFE AS DESCRIBED.

Q MR. PEACOCK: Mr. Lumsden, are there any rules about the possession of knives in the West Wing?

A Yes, sir. There are no knives or instruments of that type allowed in the West Wing at all, sir.

Q Where did those come from?

A They usually come from the dining room of the inmates' kitchen.

Q Has there been anything that you can observe done to those knives?

A One of them looks like it has been rubbed on a stone, e.g., the brick wall of the Institution.

THE COMMISSIONER: Would you show the witness Exhibit 46, Mr. Clerk.

Q MR. PEACOCK: Is that the one you are talking about?

A Yes, sir.

Q Now, aside from those two items -

THE COMMISSIONER: Let me see that Exhibit again, please.

Q MR. PEACOCK: Aside from those two items, was there anything found in your search out of the ordinary?

A I believe at the same time in that area while I had gone up the east side of the Wing, Mr. Schlegel had gone up the west side of the West Wing. Now, I am talking about the east side of the West Wing. Pardon me, there is a double row of beds. One is on the east towards the exercise yard, the west side of the east side is along the partition that separates the two sections. Mr. Schlegel went up along that wall there and at the same time as we were doing our search, he also came across a knife and a file.

Q Those aren't in your possession now, are they?

A They could be in this bag also, sir.

Q But you didn't find those?

A I did not find them, sir.

MR. PEACOCK: Those are all the questions I have. Would you answer other counsel, please.

CROSS-EXAMINATION BY MR. STILWELL:

Q Have you ever conducted a search like this before?

A Yes, sir. This is quite frequent.

Q And have you found knives before?

A We have found knives before, yes, sir.

Q Now, those table knives look rather innocent and harmless in their present condition, do they not?

A Yes, sir.

Q What do the inmates do with those knives, in your experience?

A. Well they are used for various things. They can be sharpened up as I mentioned, on the brick wall of the gaol and they can be used for cutting leather or cutting another inmate or cutting officers in the Institution.

Q In your experience, is it common to take an ordinary table or butter knife like that and rub it on the concrete blocks to turn it into a lethal weapon?

A Yes, sir.

Q And everybody who works in the Institution knows that?

A Yes, sir, right.

Q Did you see an article in the last night's Calgary Herald entitled CORRECTION OFFICIAL WILL TESTIFY?

A Yes, sir.

Q And the last part of it says that the relationship between the guards and the inmates had improved. I won't quote it because it is rather disgusting language. But, it says in fact that the guards had been toting to the inmates since the inquiry started. What is your answer to that, if any?

A I would say it is totally untrue, sir and very unjustified.

Q Would you agree with me it is a rather ignorant observation for a lawyer to make to the members of the press?

A I would, sir.

Q And equally a thing of total ignorance for the news to press?

A I do, sir.

THE COMMISSIONER: I would like to see it.

MR. STILWELL: Yes. May it be filed, sir.

THE COMMISSIONER: Have you seen that, Mr. Scott?

MR. SCOTT: No, I haven't, sir.

I have no comment to make on it.

THE COMMISSIONER: This Inquiry will stand adjourned for 10 minutes and I want to see all counsel.

(Brief recess)

THE COMMISSIONER: Mr. Clerk, I want this room cleared with the exception of all counsel and all members of the media.

MR. PEACOCK: Perhaps, sir, before we clear the room, I wonder if you wish to mark that newspaper clipping as an exhibit.

THE COMMISSIONER: Mark it.

MR. PEACOCK: Exhibit 48.

EXHIBIT 48 - NEWSPAPER
CLIPPING OF CALGARY HERALD

THE CLERK: All persons kindly leave except the counsel.

THE COMMISSIONER: And the media.

THE CLERK: And the media.

(Brief recess)

THE COMMISSIONER:

Mr. Peacock.

MR. PEACOCK:

I believe I am finished
and I believe Mr. Stilwell is finished his cross-examination.

THE COMMISSIONER:

Mr. Scott.

CROSS-EXAMINATION BY MR. SCOTT:

Q Mr. Lumsden, what time did you conduct your search?

A It would be somewhere between the hours of 10:00 o'clock
in the morning and 11:00 o'clock in the morning. That is
the only time I worked alone. It permits me to do this.

Q Did you have occasion at any other time to go into the
West Wing?

A Quite. We do, sir.

Q That day?

A No, not that day, no, sir. But, we do quite frequently.

Q I see. When you were in the West Wing that day, did
you observe any change in the attitude or the tension
between the inmates and the guards?

A No, sir. We all take a razzing when we go and pick up
their clothes. They figure there this is sort of a joke
to them. Their lifting the clothes and stashing it away
and we are picking it up. So, this is just in the
general run of the mill.

Q It is almost sort of a game?

A It is a competition, let's put it that way.

Q Right. And when they razz you, do they do it in a jesting
or threatening manner?

A Most times in a jesting way.

Q And on this particular day in question, and that is July 17th, you noticed nothing unusual about the tension. Did you notice an air of tension?

A No different than usual, sir.

MR. SCOTT:

Thank you.

CROSS-EXAMINATION BY MR. GRIFFITHS:

Q Mr. Lumsden, this type of search was regular procedure, was it?

A Time permitting, yes, sir.

MR. GRIFFITHS:

Thank you.

THE COMMISSIONER:

May I see Exhibit 46.

It is the knife.

EXAMINATION BY THE COMMISSIONER:

Q Mr. Lumsden, you say that you retrieved this?

A Yes. I believe that is the one I retrieved, sir.

Q And I take it that it is not in the condition that it was in in the dining room?

A That is right, sir.

Q Would you agree with me that there is a razor edge on this?

A Yes.

Q And do you consider that a joke?

A No, sir. No joke, sir, no.

RE-CROSS-EXAMINATION BY MR. SCOTT:

Q That knife was actually found on the side opposite from

Sims, Watson, Spooner and Winter, wasn't it?

A Their beds would be on this side. The bed where it was found in was over on this side, closest to the window.

MR. SCOTT: Thank you.

MR. PEACOCK: That's all.

THE COMMISSIONER: Thank you, Mr. Lumsden.

MR. PEACOCK: Do you wish to adjourn now, Mr. Commissioner, or do you -

MR. SCOTT: Mr. Commissioner, I have a meeting at 12:00 Noon with respect to the Kirby Commission, as a matter of fact and I would like to be excused, but I also don't want to -

THE COMMISSIONER: What time is your meeting with the Kirby Commission?

MR. SCOTT: 12:00 Noon and I am wondering how long you are planning to go on.

THE COMMISSIONER: Well, if you have got a meeting, Mr. Scott, we will certainly adjourn now. Will you be back at 2:00 o'clock?

MR. SCOTT: We will be back at 2:00.

THE COMMISSIONER: All right, adjourned.

(The inquiry adjourned)

DEPOSITIONS TAKEN AT 2:00 P.M.

MR. PEACOCK: Call John George Dewar,
please.

JOHN GEORGE DEWAR, having
been first duly sworn, examined by Mr. Peacock, testified
as follows:

Q Mr. Dewar, you are an employee at the Calgary Correctional Institute, is that correct?

A That's right, sir.

Q What is your position there?

A CO 1, sir.

Q That's Correction Officer 1?

A That's right, sir.

Q How long have you been employed as a Correction Officer?

A Eight years.

Q And have your eight years been spent at the Calgary Correctional Institute?

A Yes, sir.

Q On the night of July 17th, 1973, were you on duty?

A Yes, sir.

Q Do you recall what shift you were on?

A Four to twelve shift.

Q That's 4:00 P.M. to 12:00 midnight?

A That's right, sir.

Q What were you doing that night? What was your job?

A I was slated for the west wing, sir.

Q And when you say "slated for the west wing" what were you doing?

A The officer in charge of the west wing.

Q And that entailed you being where?

A How do you mean by being where, sir?

Q Well --

A The dormitory west wing.

Q Where in the dormitory itself?

A I was in the dormitory, yes.

Q Or were you in the cubicle?

A In the cubicle in charge of the wing.

Q And the cubicle is where the person in charge of the wing stays, is that correct?

A Yes, sir.

Q What happened that night as you could just --

THE COMMISSIONER: Mr. Peacock, Mr. Stilwell, I believe this man is a correction officer, an employee of the Civil Service?

MR. STILWELL: Yes, I am instructed, sir, to put this upon the record and ask for a ruling upon it: These men, all of them, have taken an oath of secrecy in connection with their appointment. They are not permitted by statute to divulge anything that happens within the Institution. I am

further instructed that none of the people that I represent wish to obstruct this inquiry in any way, in fact, they are most anxious to cooperate and have both sides heard. However, there is a natural reluctance to answer if that might mean that they are violating their oath or a statute. I, therefore, respectfully recommend that you consider whether the witness should be firstly instructed that he must answer and secondly, assured that he is not jeopardizing his position in any way by doing so.

THE COMMISSIONER: Mr. Stilwell, is there a copy of the oath available?

MR. PEACOCK: I believe I might have one. I might also advise, Commissioner, we have considered this problem and discussed the matter with an agent of the Attorney General's office and it is my interpretation of the regulation that the oath is not to prevent testifying in proceedings when a person is compelled to attend. I am also satisfied that an order by you that they testify will certainly relieve them of any responsibility.

THE COMMISSIONER: That is really your submission?

MR. PEACOCK: That is my submission, sir.

THE COMMISSIONER: Yes, I see.

MR. PEACOCK: As your counsel, sir.

Commissioner, I believe the regulation in question is under the Public Service Act. I have got it here but I am having difficulty because it is not indexed. Would you wish to adjourn for five minutes till we find it?

THE COMMISSIONER: I think it is important enough to, Mr. Peacock.

MR. PEACOCK: All right, if we could.
(Hearing adjourned for five minutes)

MR. PEACOCK: Mr. Commissioner, the section in question, I believe, is Section 20 of the Public Service Act. I will just read it on to the record, if I may.

THE COMMISSIONER: Yes.

MR. PEACOCK: "Every new employee shall take and subscribe an oath in the following form: I, and the name, do swear that I will execute according to law and to the best of my ability the duties required of me as an employee in the Public Service of Alberta and that I will not without due authority disclose or make known any matter or thing which comes to my knowledge by reason of my employment in the Public Service."

The regulations state

"Any employee whether he has subscribed the official oath under Section 20 of the Act or not who without

due authority discloses any matter which comes to his knowledge by reason of his employment shall be liable to suspension or dismissal."

I suggest that pursuant to the terms of the Public Inquiries Act that you, as a Commissioner, have the authority to compel the attendance of witnesses to give evidence as if you were a judge in a civil matter and I suggest that your authority is sufficient authority under the Act.

THE COMMISSIONER: Is that term "due authority" Mr. Peacock?

MR. PEACOCK: Yes, it is.

THE COMMISSIONER: I think I can consider myself as due authority and pursuant to the powers of the Inquiries Act, Mr. Stilwell, I would order this witness to answer. Now, Mr. Stilwell, if you feel I haven't such authority and you certainly feel you wish to challenge it and have somebody, indeed a greater legal knowledge to better determine the matter, I will be glad to grant you an adjournment.

MR. STILWELL: I am entirely satisfied, thank you, my lord.

MR. PEACOCK: I don't know what to say.

THE COMMISSIONER: That's a "unique position for you, Mr. Peacock.

Q MR. PEACOCK: Mr. Dewar, on the night of July 17th, 1973, you were in charge of the West Wing as the official of the institute, is that correct?

A That's correct, sir.

Q And you, I take it, in performing your duties would remain in the cubicle and observe what went on in the wing?

A You go inside the wing, sir, if you have to call a certain inmate. Now doing this, you close your cubicle door, close your front entrance door, open your grill gate to the full open position, which cannot be closed, and then you go into the wing. You could stand outside and holler but with the television and radio on, they can't hear you so you go in and get the inmate that you wish.

Q Aside from that, the rest of your shift is spent in the cubicle observing what is going on?

A Right.

Q And I take it that you went on shift on the 17th at four o'clock P.M.?

A That's right, sir.

Q And on the evening at approximately ten o'clock did you ultimately shut off the lights, the radio and the T.V.?

A This is the procedure that has been going on since

I started there, sir, and this is at ten o'clock the television, radio goes off at ten o'clock but at the bottom of the directives it says there will be a ten to 10:15 news broadcast. Now this stipulates news broadcast so therefore, the television goes off at ten, you turn off your lights, except the lights which are around your washbasins and so forth so people can get ready for bed. This is more or less a warning that the lights go off in fifteen minutes and then at the end of the news broadcast everybody is pretty well gone to their own beds and the radio and the remainder of the lights go off. At one time we leave the center, down the center of the wing lights on but now we have two white lights in the west, the south end of the West Wing which is security lights so therefore you don't need the lights all the way down.

Q What did you do that night?

A Well, I went through the same procedure and at 10:15 when I changed the radio over to the CFCN fifteen minute broadcast, I was told what to do with it.

Q By whom?

A By all the inmates. I shouldn't say by all inmates but a number of inmates so therefore I looked,

there was nobody using the washbasins, there was nobody using the urinals and the bathrooms whatsoever. They were all in their own beds so I turned off the radio and I turned off the lights.

Q And what time was this?

A This was about 10:05.

Q What occurred then?

A Then the rattling of the lockers and screaming and hollering "We want the radio, we want music" kept on and on and on and then I phoned. In the circumstances of this you phone the main control room, which I did.

Q Let me just interject for a minute. Is it usual for the inmates to complain at night when the lights go down?

A Well, there is always some kind of a hassle but it usually quietens down but this went on so I, which is your duty to phone the main control room and report it.

Q How long had the yelling and banging of lockers gone on before you decided to call the guard room?

A About two minutes.

Q What happened? Did you contact the guard room?

A I contacted the guard room. They told me that the radio would be left on for fifteen minutes more. I turned the radio back on.

Q And who did you speak to in the guard room, do you know?

A Mr. Merriam.

Q Was Mr. Merriam in charge of the guard room on your shift?

A Mr. Merriam is the deputy assistant, yes, sir.

Q And he advised you to turn it on for fifteen more minutes?..

A He told me to turn the radio back on.

Q Did you do that?

A Yes.

Q Did you turn the lights on as well?

A No, sir.

Q What happened then?

A Mr. Coljee, Sergeant Coljee came down the hall. He came into the wing and the fifteen minute news broadcast was over. I shut it off and then in the circumstances of a thing getting worse and worse, it is always the rule of an officer to turn the lights back on so nobody would get hurt. We turned on the west bank of the lights.

Q Now was this banging and yelling continuing?

A No, sir. It would start and then it would quieten down and the four inmates that I had removed from the wing started over again.

Q Did you observe these four inmates doing this?

A Mr. Coljee and I sat and watched them, yes.

Q Where were you observing this from?

A From the cubicle, sir.

Q Was this after the lights were on?

A After the lights were on, sir.

Q And how long did this up and down of yelling and locker banging go on?

A I would say for half an hour to three quarters of an hour.

Q And after you and Mr. Coljee sat in the cubicle and observed this, what did you do?

A Mr. Coljee and I figured we had heard enough. We closed the front door. We closed the cubicle door. We opened the grill gate. We walked down into the wing.

Q What side did you walk on?

A I walked the right side, which is the west, and Mr. Coljee walked the left, which is east.

Q And did you walk right to the end?

A Yes, sir.

Q What happened while you were walking down there?

A We would get a lot of static before we got to an area and after we passed an area we would get more static.

Q What kind of static were you getting?

A Foul language.

THE COMMISSIONER: Let's hear it.

A Pardon, sir?

THE COMMISSIONER: We would like to hear your version of it.

A Dewar the whore, Coljee sucks cocks, Coljee likes dogs.

Q MR. PEACOCK: And were these things being yelled by inmates?

A Yes, sir.

Q And you walked down to the end. What did you do when you got to the end?

A Turned around and walked back up again.

Q Did the chorus continue on your way back?

A Yes, sir.

Q And what happened when you got to the front?

A Just went on in a normal --

Q What went on in a normal?

A Went on normally as it did before. They just kept hollering and screaming and banging. Mind you, when Mr. Coljee and I walked into the wing, they did not rattle their lockers but as soon as we left and closed the security gate, then the four lockers would start.

Q Did you see these four lockers --

Q MR. COMMISSIONER: Mr. Peacock, I have just forgotten, were the lights on when these two

officers walked down?

A Yes, sir.

MR. COMMISSIONER: On both sides?

A No, sir, just on the right bank, the west wall, sir.

Q MR. PEACOCK: That was the area that you walked down?

THE COMMISSIONER: These would be the overhead lights?

A Yes, sir, that's enough light to light the whole wing that you can see both sides.

Q MR. PEACOCK: Now you got to the back and you got out through the security gate at the front and the banging of lockers and yelling continued, did it?

A Right, sir.

Q What did you do then?

A Closed the security gate and then Mr. Coljee said, "Turn the radio off". We turned the radio off. We turned the lights off. It started all over again and then the other officers started to come into the wing.

Q Pardon me?

A The other officers started to come into the wing.

Q And who were those officers?

A I believe it was Mr. Schlegel and Mr. Merriam came

in for a while. There was quite a few officers coming and going. I couldn't name names exactly, sir.

Q Just tell us what you recall happening after you got back to the front.

A After we got back to the front, sir, then the other officers started to come in and then at that time the midnight shift was starting to come up front, like, in the coffee area so they were sent down and then they were -- they came into the wing and Mr. Schlegel directed me to stay in the cubicle. It was my duty to make sure that all officers were cleared of the wing when these four people were removed.

Q And who made the decision to remove the four inmates?

A That would have been Mr. Schlegel and Mr. Merriam.

Q What is their position?

A Mr. Schlegel is deputy assistant and also Mr. Merriam.

Q So you made certain that everyone, all personnel of the Institute were out of the West Wing?

A Well, they handed out handcuffs and billies.

Q Who did that?

A Mr. Schlegel and Mr. Merriam.

Q And were these not carried usually by people who work at the Institute?

A No, sir.

Q Where were they kept?

A Kept in the guard room.

Q And did Mr. Schlegel get them out?

A I couldn't tell you.

Q But you remained on duty?

A I was in the wing at all times.

Q Was a billy club or a gun of some sort given to you?

A No, sir, I was told to stay in the cubicle.

Q What did you observe happen?

A Well, they come into the wing and then Mr. Cater came into the wing and he had the gas gun and I was told to stay in the cubicle.

THE COMMISSIONER: Describe the lighting situation at this time.

A The lights were the same way, sir.

THE COMMISSIONER: On on the west bank?

A Right, sir, which gives you lots of lighting and I was told to stay in the cubicle. The officers went into the wing and Mr. Cater went up the west side of the division wall, held the gun out and said, "Everybody stay in their own beds." The others officers got the four inmates, brought them out and I stood in the cubicle watching Mr. Cater which was the last officer to leave the wing. As he left the wing I closed the security gate.

Q What did Mr. Cater have by way of a weapon?

A Just the gun.

Q Just the gas gun?

A Yes, sir.

Q And he was the last one out?

A He was the last officer to come through the security gate.

Q Now when you observed these officers going to the four beds, did you observe them getting these fellows up?

A No, sir, I was watching Mr. Cater.

Q So you didn't observe anything that went on around the beds of the four inmates when they were gotten up?

A No, sir.

Q Who made the decision to remove these particular four inmates?

A Mr. Coljee and I said that they were the four instigators.

Q And when did you reach that decision?

A We sat there and watched them. The wing would quieten down as quiet as it is right here and then they would start it over again.

Q What did they do?

A Banged their lockers against the wall and holler.

Q And then the rest of them would join in?

A Right, sir.

Q Now when you saw the officers bringing the four inmates up to the front towards the gate, did you observe them walking up at all?

A I saw them going by but I didn't observe anything. I was watching one officer, sir.

Q Did you hear anything with respect to the fact that there may have been weapons amongst the inmates in the wing?

A No, sir.

Q Did you observe the officers taking the four inmates down the hall after they got out of the west wing?

A No, sir.

Q Your cubicle doesn't afford you a view of that hall?

A No, sir.

MR. PEACOCK: Those are all the questions I have. Would you answer other counsel.

THE COMMISSIONER: Mr. Stilwell.

CROSS-EXAMINATION BY MR. STILWELL:

Q After those four were taken out, did the wing settle down?

A Yes, sir.

Q Did you stay in there?

A I stayed in till I was relieved by the midnight shift, which was Mr. Macleod.

Q Are you satisfied that the people who were causing

the trouble were the ones that were taken out?

A Yes, sir.

Q Did you have any forewarning that this was going to happen that night?

A I had one inmate by the name of Watson state that they had the radio till two a.m. the previous night and they would get it that night, one way or the other.

Q What time did he say that to you?

A Between eight and nine, sir.

MR. STILWELL: Thank you.

CROSS-EXAMINATION BY MR. MACDONALD:

Q Mr. Dewar, had you been on duty the night before?

A Not in the West Wing, no, sir.

Q Do you know whether, in fact, the radio had been on till two a.m. the night before?

A I cannot say that, sir.

Q Do you know who was on duty in the West Wing that night?

A No, I cannot say, sir.

Q Who would know that?

A We would have a record of who was on duty at the time.

THE COMMISSIONER: Do you know?

A I don't know, sir, no, sir.

Q MR. MACDONALD: Where is the duty roster

kept?

A In the guard room.

Q And there is a permanent record of that?

A There is a log book in each wing, yes, sir.

Q Were you alone in your cubicle that night?

A I was alone all evening until Mr. Coljee came in, yes, sir.

Q Is that standard procedure?

A Pretty well, yes, sir.

Q Isn't it desirable to have two men there?

A Well, I would say it would be but then again also it is sometimes, it is hard to say because the more officers there are in a position, the more uptight the inmates get.

Q Do you ever have two officers there?

A Yes, sir, sometimes.

Q Isn't it a fact that if you hadn't been short-staffed you would have had two officers there that night?

A That's right, sir.

Q And that is the general rule that you have two officers?

A That's right, sir.

Q And there was only one this night --

THE COMMISSIONER: Mr. Macdonald, excuse me for interrupting. There is an important point here

I would just like to ask this question; I take it then, witness, that the reason there were not two men in the cubicle was because of the shortage of staff rather than the fact that the inmates would be uptight?

A That's right, sir, two officers are better than one.

THE COMMISSIONER: I would think so.

A Yes, sir.

THE COMMISSIONER: Please continue.

Q MR. MACDONALD: So your position is now that two officers are definitely better than one?

A That's right, sir.

Q And before you indicated that --

A Well, I indicated that, sir, on the one way, like, if you have a problem in the wing and you have a bunch of officers then you are going to have more problems than you would if you just had one. I have pretty well worked the West Wing by myself in the eight years I have been there.

Q Have you been sworn at by inmates before?

A Yes, sir.

Q Is it quite common?

A Yes, sir. Not directly, though.

Q Is it common --

A They never say it to your face. ..

Q Pardon me?

A They never say it to your face. You never know who says it.

Q Just things you hear, passing comments?

A That's right, sir.

Q Have you ever sworn at an inmate?

A No, sir.

Q In eight years you have never sworn?

A I never have, sir, no. Under my breath, maybe, but I have never come outright and said it.

THE COMMISSIONER: They could probably tell what you were saying?

A Yes, sir, what I was thinking.

THE COMMISSIONER: I think so.

Q MR. MACDONALD: Why did you turn the radio off at ten o'clock?

A I was asked to turn it off by the inmates.

Q How many inmates?

A Pretty well the whole wing.

Q Certainly not inmate Watson. He didn't ask you to turn it off at ten, did he?

A He did want the radio turned off seeing as how it was news but if it had been CKXL music then he would have wanted it left on.

Q What do you mean by "pretty well the whole wing"? Did they all descend upon your cubicle?

A No, they didn't descend upon the guard or the

cubicle, no, sir.

Q How did the whole wing tell you they wanted the radio off at ten o'clock?

A Just by laying in their beds yelling.

Q What were they yelling?

A "We want music", not just the radio, "We want music."

Q So they didn't say they wanted the radio off?

A They didn't want the news. That's what they didn't want.

Q You didn't hear them say, "Turn the radio off", did you?

A Yes, I did, because it was news.

Q What was it? "Turn the radio off because it's news. We want music."

A "Turn the radio off. We want music."

Q Isn't it a fact the minute the radio went off the standard chant or one of the more predominant chants was "Radio up, radio up"?

A Right, for music only, not news. This was stipulated very clearly.

Q What was the chant? Was it "Radio up" or "Radio up for music"?

A "Radio up for music. We don't want the news. Drive it. Stick it". You name it.

Q Did you not say at that point "Fuck yourselves"?

A No. If I did they wouldn't have heard me anyway.

I was in the cubicle.

Q Did you say that under your breath?

A No, sir.

Q The radio shouldn't have been turned off till 10:15, I take it, is that right?

A That's right, sir. I want to explain one thing here and that is that inmates come to me periodically and say "Mr. Dewar, we see the news live on the six o'clock news on television so therefore when the television goes off at ten o'clock we don't want to hear the news on the radio" and they have requested me to turn it off at ten o'clock but this night nobody requested it.

Q You say that in the past that it has been requested that the radio be turned off at ten? Is that what you are telling me now?

A That's right, sir, because they see it live on television at six o'clock.

Q Now in particular, on the night of July 17th, did anybody request it be turned off?

A No, sir, that's what I just said. Nobody requested it be turned off, that's why it was turned on to the news.

Q You made a statement in these proceedings at one time, did you not, to Mr. Roberts?

A About what?

Q About this incident. I presume that's what he was talking to you about.

THE COMMISSIONER: Did you give a statement to Chief Inspector Roberts?

A Yes, sir.

Q MR. MACDONALD: I want you to look at this. Tell the Commissioner if you recognize it.

A That's exactly what I said, sir.

Q Is that the statement you gave to him?

A That's just exactly what I just finished saying.

Q Is that the statement?

A Yes, sir, that's Mr. Roberts.

Q You read it now, have you? Did you read it just now?

A I read all I have to read about the radio and the news.

Q It says in this statement, does it not, "as soon as the radio and lights went off, I left on the end bank, it started "Radio up. Drive it. Stick it. Shove it." "

A That's when the news was on, right.

Q It says here, "As soon as the radio and the lights went off"?

A Radio being off means that I changed it from CKXL to CFCN. At ten o'clock your radio is changed over for a fifteen minute news broadcast.

- Q You have a different kind of language out there?
- A Pardon?
- Q When you turned the radio off, that doesn't mean you turned it off, that means you changed the station?
- A Well, off the station that they like, yes.
- THE COMMISSIONER: Apparently "off" means CFCN.
- A You might as well shut it off is exactly right.
- Q MR. MACDONALD: Now when the banging started the lights were out, is that right?
- A When the banging first started?
- Q Yes.
- A That was when they didn't want to hear the news and there was nobody using the washroom, which I stated, and therefore everybody was ready for bed so the lights went out and they told me to drive the radio so I turned the radio off.
- Q Let's start my question again. When the banging started were the lights on or off?
- A The lights were on.
- Q The lights were on?
- A Because the news was on.
- Q And it went on for a couple minutes, I take it, did it?
- A Yes, sir.
- Q Were you disturbed?

- A No, this happens quite regularly.
- Q And it was kind of a joke, the banging, wasn't it?
- A No, it was no joke, sir.
- Q Did you pay any attention to them at all?
- A I phoned the guard room.
- Q Immediately?
- A Right after this started, yes.
- Q Is that standard procedure?
- A Yes, sir.
- Q Were you worried about an outbreak?
- A No, but you are always cautious of one. You never know what is going to happen next when something like that starts.
- Q Did you report to the guard room the fact that Watson said, "We are going to have this radio on till two a.m."?
- A No, sir.
- Q Or "We are going to get it one way or another"?
- A No, sir, I did not. The first time I made that statement was to Deputy Warden Stanton.
- Q You testified here today that that is what he said, is that right?
- A That's what he said, right. This was earlier in the evening between eight and nine.
- Q You didn't construe that as a threat?
- A I didn't pay no attention to it because you get

this quite often.

Q So it didn't bother you?

A That's right, sir. They are always trying to get something better.

Q What time did the lights actually go off?

A The lights actually went off about seven or eight minutes after ten.

Q And what happened at that point?

A At that point everybody was in their own beds, which I usually leave the lights on until after the news so they can wash and get ready for bed but everybody went to their own bed. They didn't want the radio. They told me to stick it, drive it, so I shut the radio and the lights off, which is normal procedure.

Q When the lights were off did the banging stop?

A The banging kept on "We want music".

Q At 10:15 was the radio on or off?

A The radio went off and then Mr. Coljee come in the wing. Well, I phoned the guard room and they told me to turn it back on.

Q I take it at 10:15 the lights were off and the radio was not only off CKXL but off?

A The radio by 10:15 had been turned back on because I phoned the guard room.

Q Was the radio ever off in the sense that nothing was coming out of it?

A Yes.

Q At what time?

A That was at five after ten and then I phoned the guard room, reported the ruckus.

Q At five after ten the radio was off, there was no sound coming from it whatsoever?

A Not from the radio, no.

Q Were the lights on or off?

A The lights went off also.

Q And at this point was there banging?

A There was banging, yes. They wanted music.

Q Did the banging ever stop at any time?

A It would cool down and then these four would start it all over again.

Q Well, when did they start it? When did it cool down? Let's take that first.

A Well, you get the banging of the lockers and the guys would start hollering "We want the radio, we want music" and as soon as I turned it back on which I was told by the guard room, they told me to drive it, stick it, they want music.

Q Isn't it a fact whenever the lights went on the banging stopped?

A No, the banging did not stop when the lights went back on, when Mr. Coljee and I turned the lights back on. This is why we know who the four people

were.

Q When you walked down between the bunks down the range, I take it you were subjected to a certain amount of abuse, were you?

A Just by mouth.

Q Nobody ever got up out of bed and approached you?

A No.

Q Was anything ever thrown at you?

A No.

Q Did you feel at any time concerned for your physical health?

A No, sir. I have got respect.

THE COMMISSIONER: Pardon?

A I have respect, sir, from the inmates.

Q MR. MACDONALD: You didn't see what happened immediately outside your cubicle when Cater was in there with the gas gun?

A All I was interested in was Mr. Cater. That was the man I was told to watch.

Q And your cubicle is made of glass, is it not?

A Glass all around, yes, sir.

Q And when somebody is standing immediately outside your cubicle, how far away from you are they?

A Well, I would say there is five feet from the cubicle door to the front door, give or take a foot or two.

Q Did you at any time see any inmate make any move towards an officer with intent to strike him or hurt him in any way?

A No, sir.

Q How many guards arrived finally?

A I couldn't tell you, sir.

Q Can you give me a rough estimate?

A No, I could not, sir.

Q What did Cater say when he had the gas gun out?

A He said "Everybody stay in their own beds."

Q Where was Cater standing when he said that?

A He was on the west side of the division wall.

Q Where were you?

A In the cubicle.

Q How did you happen to hear that?

A The wing was very quiet at this time, very quiet.

Q Isn't it a fact that if somebody yells something at you in the cubicle and they are in the wing, you can hear it?

A Pardon?

Q You can hear what is yelled at you from the wing, isn't that a fact?

A It all depends. If the radio and the television is on, no. I mean you can hear a bunch of yelling and screaming but one individual, like I just said previously, if you want an individual inmate from

the wing and the radio and the television is on, you have to go into the wing itself.

Q What again did Cater say when he had that gas gun?

A "Everybody in their own beds."

Q Did he not say, "Anybody who moves is going to get it"?

A No, he didn't.

Q Did you see him do anything with that gas gun?

A No, I did not.

Q Do you know an inmate named Ramchuk?

A Yes, sir.

Q Was he close to Ramchuk when he had that gas gun?

A No, sir, Ramchuk was on the opposite side of the wall.

Q Did he touch anybody with that gas gun?

A No, sir. Everybody froze.

Q I take it you made the decision to turn the radio off?

A When I was in the wing by myself?

Q Yes.

A Yes, sir.

Q And it was on instructions from the guard room that you turned it back on?

A That's right, sir. They did not know the circumstances.

Q This banging and stuff that goes on at night, it is a common occurrence, isn't it?

A Well, it can happen but it doesn't go like the way it did that night, not continually. Somebody might holler, "Radio up" or something to this effect and that's it. .

Q I don't know if I have asked you this or not, but when the radio and the lights were off together and I mean again make sure we are talking --

A The radio and lights didn't all together go off together.

Q Were they never off at the same time?

A Like I said, I left the one bank of lights on over the wash area.

Q All right, let's talk about the lights in the general area.

A The lights, yes, were off.

Q They were? They were off?

A But you could see right down the whole wing.

Q Would you answer my question. The lights, there is two sets of lights which run down either side of the wing, is that right?

A Right, sir.

Q They are the main lights. They were off at a certain time, were they not?

A They went off at ten o'clock, which is normal procedure.

Q And the radio at the same time that those lights

were off was not emitting any sound?

A The radio was on.

Q At any time was it not emitting any sounds?

A At 10:05 it was off.

Q And the lights were off?

A And the remainder of the lights went off, yes.

Q And at that point how was the banging?

A Then it started.

Q And how long were the lights and the radio left in that position?

A Two minutes.

Q And then what happened?

A I turned on -- I phoned the guard room. They told me to turn the radio back on, which I did. Mr. Coljee came in. We turned on the west bank lights for security reasons when there is a ruckus going on and that's the way it stayed.

Q There was a 45-minute period, I thought you testified, before anybody walked into the wing and searched, is that right?

A Well, Mr. Coljee and I walked down into the wing. We walked back out of the wing. We sat in the cubicle and observed what was going on.

Q No, no, before you went down there, what time did you go down there?

A I would say that would be about 10:30.

Q At any time were the main lights, you know what I mean when I say the main lights?

A Hmm, hmm.

Q Was the radio not emitting sound and the main lights off for any prolonged period of time?

A Any which, sir?

Q Prolonged period of time?

A No.

Q That wasn't tried?

A Pardon me?

Q That wasn't tried at any time, just to leave them alone?

A This is what I did at the beginning was turn the lights and the radio off.

Q That was only for two minutes?

A That was until 10:05, which was roughly five minutes.

Q You never left them, say, for fifteen or twenty minutes?

A Pardon?

Q You never left them alone for fifteen or twenty minutes?

A No, you don't when you have got a ruckus like that going.

Q What was different about this ruckus?

A The whole wing was in on it. It wasn't just a few.

It was the whole wing.

Q Did you see Spooner banging his bed back and forth?

A Yes.

Q Are you saying at one time when the lights and the radio were out that the ruckus was still going on?

A That's right.

Q Could you see who was making it?

A That's right.

MR. MACDONALD: Fine, thank you.

THE COMMISSIONER: Mr. Griffiths.

CROSS-EXAMINATION BY MR. GRIFFITHS:

Q Mr. Dewar, have you taken any special training courses either prior to your commencing employment or while you have been employed at the Institute?

A Yes, sir.

Q Will you tell us what these were?

A When I first started at the Institution, Mr. Jackson and Mr. Stanton would give us lectures.

Q On the evening in question you stated that you were short-staffed. Do you know how many men were on that shift?

A I can't say.

Q Do you know why you were short-staffed that evening?

A Well, you have got people on course, you have got people on holidays, you've got people sick.

Q The first time that you and Mr. Coljee entered the

West Wing and walked down, did you have any weapons with you at that time?

A No, sir, we do not carry weapons.

Q Did you indicate in any way that you were intending to use force to the inmates?

A No, sir.

Q When were the weapons issued?

A It was when the other officers came into the wing, sir.

Q Did you see who issued them?

A I think it was Mr. Schlegel and Mr. Merriam.

Q Were internal charges laid against inmates as a result of this incident?

A I believe the four were charged, yes, sir.

Q Do you have any idea when the warden's court was held?

A No, sir.

Q Did you submit a written report of this incident?

A No, sir.

Q Were you subsequently called to give evidence in an internal inquiry concerning this incident?

A No, sir.

Q Did any of the inmates speak to you after this incident about what occurred?

A Watson did, sir.

Q What did he say to you, sir?

A He was, after he had been to the warden, he pleaded guilty.

Q Who was this, Mr. Dewar?

A Watson. He pleaded guilty. He was then put into the East Wing which I was working. He come up to me and he apologized for what he said.

Q Apologized?

A And he also told me that he told Warden Jackson that he was guilty and there was no charges laid against him.

Q Are you aware of any attempt to suppress the facts surrounding this incident?

A In what respect, sir?

THE COMMISSIONER: Any respect.

A No, sir.

Q MR. GRIFFITHS: Has anyone instructed you to suppress facts or any evidence with respect to this?

A Deputy Stanton called me in and we gave a written report, sir.

Q You have given a written report then? You stated earlier you hadn't.

A I have given one to Mr. Stanton, Mr. Stilwell, and Mr. Robertson or Roberts.

Q Do you recall when you gave that report to Mr. Stanton?

A Not by the day, no, sir.

Q Was it shortly after the incident?

A Yes, sir.

MR. GRIFFITHS: Fine, thank you very much.

THE COMMISSIONER: Mr. Dewar, just so that I am clear in my own mind, when you say the lights went out at ten o'clock, that is, you take out one bank and still leave one bank on, is that right?

A In terms of bank, sir, a bank means the whole area right down the full length of the wing.

THE COMMISSIONER: I see.

A Now this, what I meant by leaving lights on is the area right in front of the guard's cubicle which is your washbasins, your lavatory, which the inmates come up and wash.

THE COMMISSIONER: Mr. Peacock, do we have an exhibit of that area?

MR. PEACOCK: I believe we have, sir.

Around fourteen or fifteen. Is it eighteen? Yes, Exhibit 18.

THE COMMISSIONER: Mr. Clerk, would you show Mr. Dewar Exhibit 18, please.

Q MR. PEACOCK: That might not be it either.

THE COMMISSIONER: Does that help us at all?

A Yes, sir.

THE COMMISSIONER: Perhaps you can show us.

A These lights right across here.

THE COMMISSIONER: I see.

A Your television camera is here. The far end of the wing you have got two white lights for security reasons.

THE COMMISSIONER: Where are those white lights?

A They are at the south end of the wing, sir.

THE COMMISSIONER: So those would be the only lights that were on then at ten o'clock?

A Right, sir, this is to tell them they have fifteen minutes to get ready for bed.

THE COMMISSIONER: When you say the radio went off, what you mean is you switched from music to the news?

A Right, sir.

THE COMMISSIONER: And at that time then there were certain remonstrations made with respect to you?

A Right, sir.

THE COMMISSIONER: Now then was it as a result of these requests, shall we say, that you phoned the guard room?

A That's right, sir.

THE COMMISSIONER: And on instructions from

the guard room, at that time had you turned the radio to silence?

A That's right, sir.

THE COMMISSIONER: Then after instructions from the guard room you turned the radio back to the news?

A Right, sir, and I was told what to do with it.

THE COMMISSIONER: Yes. And then at that time was it after that then that you and, is it Sergeant Coljee?

A Mr. Coljee came down the hall at that time, sir, and came in the wing.

THE COMMISSIONER: And shortly after that, is that when the two of you made your patrol into the wing?

A When Mr. Coljee came in the wing, sir, we turned on the west bank lights which runs down the west wall. Then we made a security check.

THE COMMISSIONER: Now I was interested in some of your remarks there. You say that when you went into the wing there were certain remarks made to you but of course, not directly to you and as you approached and after you passed?

A They put their head under their pillow or the blankets over their head when they make a remark to an officer, sir.

THE COMMISSIONER: So really all you can tell then is the remarks were coming from an area?

A You cannot finger them, no, sir.

THE COMMISSIONER: Now then I take it those remarks were something less than complementary?

A That's right, sir.

THE COMMISSIONER: Now you said, sir, that in answer to Mr. Macdonald that you were certainly not in fear of any physical reprisal at that time?

A No, sir.

THE COMMISSIONER: And that is because you said you have respect?

A I have respect from the inmates, sir.

THE COMMISSIONER: And that would have to be, in view of the remarks that were being made, a physical respect, is that right?

A That's right, sir.

THE COMMISSIONER: And how have you earned that respect?

A Well, I played it, I think I have, the way I was trained by Mr. Jackson and Mr. Stanton and that was that you will play the inmates as inmates. You will treat them all the same. You will give them all the same rights equally. You will not give one one thing and take away from another and this the way I have done it and the same with the radio.

The radio will be on one way or the other. If the rules state that the radio goes off after the 10 minute news broadcast, then that's the way it's going to be and they know that's the way Mr. Dewar does it and until I see a different directive, that's the way it will be.

THE COMMISSIONER: What you are telling me then, sir, is that that respect has been earned by fair and impartial treatment, a physical respect has been earned by fair and impartial treatment rather than any physical coercion?

A That's right, sir.

THE COMMISSIONER: Any question arising from that, gentlemen?

MR. MACDONALD: Just one.

RE-CROSS-EXAMINATION BY MR. MACDONALD:

Q You say you have earned this respect, as Mr. Harradence has said, by fair and impartial treatment and strictly following the rule book?

A That's right, sir.

Q Why didn't you follow the rule book this night?

A I did follow the rule book.

Q You didn't turn that radio off early?

A I turned it off at 10:05 because they told me to turn it off, they didn't want to hear the news. They wanted music and that's all, regardless of what I did.

Q But the radio was to be on till 10:15, wasn't that the rule?

A That's the rule, news broadcast.

MR. MACDONALD: Thank you.

A Nothing else but.

THE COMMISSIONER: Anything else, gentlemen?

MR. PEACOCK: Thank you, Mr. Dewar.

(The witness retires)

MR. PEACOCK: Do you wish to adjourn or shall we call one more witness?

THE COMMISSIONER: Will he be long, Mr. Peacock?

MR. PEACOCK: He might be, yes, sir.

THE COMMISSIONER: We will adjourn then for ten minutes.

(The hearing is adjourned for ten minutes)

RE-EXAMINATION BY MR. PEACOCK:

Q Mr. Dewar, I have a book called West Wing Log Book. Is that the log book that is kept in the guard's cubicle in the West Wing?

A That's right.

Q That is open and marked at July 17th, 1973.

THE COMMISSIONER: I notice Mr. Stilwell isn't present.

Q MR. PEACOCK: Now I have presented a book to you and asked you if that is the log book for the

West Wing.

A That's right.

Q Is that book kept in the cubicle in the West Wing?

A That's right, sir.

Q And anything out of the ordinary is reported in that log book, is that correct?

A Right, your finds and movement of people, yes, sir.

Q Would you read what you wrote down starting at ten o'clock p.m. on July 17th, please?

THE COMMISSIONER: Have you seen this, Mr. Macdonald?

MR. MACDONALD: Yes, I have, sir.

A "10:00 P.M. lights, radio, T.V. off as per directed, lots of noise. Mr. Coljee came in. Lights on. We watched and could not help but see 36 Sims, 37 Winters, 38 Spooner, 40 Watson, lockers moving back and forth and all the noise started from there."

Q Now when did you make that entry into the log book?

A At midnight.

Q At midnight that night?

A That's right, sir.

MR. PEACOCK: Perhaps we could mark the log book as an exhibit, please. I think that's 49.

EXHIBIT 49 - LOG BOOK.

MR. PEACOCK: Thank you, Mr. Dewar.

Maybe other counsel have questions.

RE-CROSS-EXAMINATION BY MR. MACDONALD:

Q That said "radio off", did it?

A Lights, radio and T.V. off at ten.

Q Now what did that mean?

A This just means that the radio is off for the purpose of news broadcast. It is not turned directly off at ten o'clock and your last set of lights are left on. This is just a normal entry in the log book.

Q What are the last set of lights?

A Which I showed in the picture.

Q Better tell me.

A These ones over the wash area.

THE COMMISSIONER: These aren't exhibits.

Perhaps --

Q MR. MACDONALD: That was ten o'clock, was it?

A Yes, sir.

THE COMMISSIONER: Mr. Dewar, how long after the four people were removed, that is, Winters, Watson, Spooner and Sims, did you make the notation in that log book?

A I think it was pretty well right after it, sir, after the commotion calmed down.

THE COMMISSIONER: Are you saying they were not removed till midnight?

A Oh, before that, sir.

THE COMMISSIONER: That's what I thought.

A I write these remarks on a piece of paper through the course of the evening.

THE COMMISSIONER: Well then really those aren't the original notes. Were those notes made in that log book from notes on a piece of paper that you made?

A That I made of the bed numbers and the names, yes, sir.

THE COMMISSIONER: Where is that paper now?

A In the garbage.

THE COMMISSIONER: You threw it out?

A Yes, sir.

THE COMMISSIONER: When?

A That night, sir.

THE COMMISSIONER: After or before you made the notation?

A After I made the notation, sir.

THE COMMISSIONER: Any questions arising out of that, Mr. Macdonald?

MR. MACDONALD: No, sir.

THE COMMISSIONER: Thank you, Mr. Dewar.

(The witness retires)

MR. PEACOCK: Call Walter James Cator.

WALTER JAMES CATER, having first been duly sworn, examined by Mr. Peacock, testified as follows:

Q Mr. Cater, you are an employee of the Calgary Correctional Institute in Calgary, is that correct, sir?

A That's correct, sir.

Q And what is your official capacity?

A Correction Officer 2.

Q Correction Officer 2?

A Yes.

Q How long have you been employed at the Calgary Correction Institute?

A Thirteen years the 13th of this month, sir.

Q And you have been continuously employed during that thirteen years?

A That's right, sir.

Q Were you an employee on July 17th, 1973?

A Yes, I was.

Q Were you on shift that day?

A I was on the afternoon shift that day.

Q And what is the afternoon shift?

A That is, starts at four, four p.m. to midnight.

Q And what job were you performing on that shift?

A Well, they call it chief guard. There is a senior C.O.2, if there is no C.O. 3, the senior C.O.2 is

the chief guard for a shift.

Q And you were stationed in the guard room?

A That's correct.

Q And what, as the senior C.O.2 in the guard room that shift, what are your responsibilities?

A Well, mainly, placement of the officers and seeing to the inmates' needs, direct needs that could be handled by me. Other than that, it is transferred to the assistant deputy warden who at that time was Mr. Merriam.

Q So Mr. Merriam was on that shift as the assistant deputy warden?

A That's correct.

Q Now could you tell us what happened starting somewhere around 9:30 or so that evening?

THE COMMISSIONER: Mr. Peacock and Mr. Stilwell, I am disposed to make the same order that I did on the last witness with respect to the directing him to testify.

MR. STILWELL: Yes, sir, I assumed it was an order of general application but, of course, the witness has no way of knowing that.

THE COMMISSIONER: That's right, sir, and for the protection of each witness, witness, I understand that you have taken an oath of secrecy with respect to your duties?

A That's correct.

THE COMMISSIONER: And I am now, in spite of that oath, directing you to answer questions put to you by counsel and myself in this hearing.

A Very good, sir.

Q MR. PEACOCK: If you could start after 9:30 that evening, could you tell us what occurred at the Institute involving yourself, please?

A Approximately ten to ten that evening I received a phone call from Mr. Dewar to say that there was quite a large amount of noise in the West Wing at the time.

Q He was the guard on duty there?

A He was the guard in charge of the West Wing.

Q What else did he advise you?

A He said that he switched the radio and the lights were off and I asked him why the lights were off and he said, "Well, we usually put them off at this time," so I said -- Mr. Merriam came into the guard room at that time and he says that the radio should still be on.

Q Did Mr. Dewar advise you he turned the radio off?

A No, he said he switched the radio. He didn't say the radio was off. He said he switched the radio. Now I took it at the time he switched it off but this, I don't know exactly what he meant at the time.

Q So he advised you he switched the radio and turned the lights off?

A And turned the lights off, yes.

Q And your reply was what?

A Mr. Merriam came into the guard room and he said to switch the radio back on again until the news was finished and that message was passed on to Mr. Dewar.

Q Did you pass the radio on to Mr. Dewar, or that message on to Mr. Dewar?

A Yes, I passed it on to Mr. Dewar.

Q And what occurred next as far as your involvement in this episode?

A Well, the noise evidently carried on for quite some period, another fifteen, twenty minutes. Mr. Coljee had gone from the South Wing where we were expecting trouble by being previously told that there would be trouble in the South Wing.

Q Could you just stop there and advise us what you had been told and why you were expecting trouble in the South Wing?

A Well, Mr. Merriam I believe it was, matter of fact I am certain it was, says there was going to be a rumble in the South Wing that night or was expecting a rumble in the South Wing that night. Mr. Coljee had suggested, at least I believe Mr. Coljee suggested,

I can't say for sure because I didn't hear the whole conversation between him and Mr. Merriam but suggested that he go down to the South Wing and Mr. Coljee went to the South Wing. I was in the guard room myself with Mr. Dewar.

THE COMMISSIONER: For those of us who are more naive, can you tell me what a rumble is?

A Well, possibly a fight or, you know, a blanket treatment as we call it.

THE COMMISSIONER: Blanket treatment?

A Yes.

THE COMMISSIONER: Perhaps you might elucidate.

A . Blanket treatment is when three or four guards, sorry, three or four inmates throw a blanket over top of another inmate so that they can't identify the person that is going to get the licking or the beating can't identify the persons that do it. They will just thump him and kick him and so on and so forth.

Q MR. PEACOCK: And Mr. Merriam, from some source, had thought that that might be occurring that night in the South Wing?

A In the South Wing.

Q And so Mr. Coljee was down there keeping an eye on things?

A He was with Mr. Peterson in the South Wing.

Q Mr. Peterson was the guard in the cubicle at the South Wing?

A In the South Wing.

Q Now you have indicated that Mr. Merriam was in the guard room with you when you got this call and relayed the message to Mr. Dewar to turn the radio and lights on?

A Just a few minutes after that Mr. Merriam left to go to the hospital over another affair we had with four fellows who were sent to hospital. They had taken what we call a home brew that contained ethyl-glycol (ethylene glycol) and it was suggested that these people be taken to the hospital for treatment.

Q These were inmates?

A Yes.

Q And they consumed some kind of home brew?

A Yes, it was the ethyl-glycol part that actually worried me because I have heard of people dying.

Q So Mr. Merriam went to dispatch these inmates to the hospital?

A That's correct, he went to assist. There were four other guards went from the shift. That made our shift short. That left twelve men on shift.

Q Where were these gentlemen that were taken to the

hospital housed that night?

A They were housed in the cell block.

Q So they came from the South Wing and Mr. Merriam accompanied them with the other guards to the hospital?

A No, they came from the cell block.

Q And they were dispatched to the hospital?

A That's correct.

Q What happened next as far as your involvement went?

A Well, the rumble in the West Wing got a little bit worse. Noise, actually we could hear the noise from the guard room.

Q Is that usual?

A No, it isn't usual, very unusual, and I phoned Mr. Schlegel who was the nearest assistant deputy warden at the time.

Q Where was he?

A He lives at the houses at the Institution just about half a mile away and he came over and in the meantime, I called in eight guards from the midnight shift to assist if necessary.

Q Had you received further calls from Mr. Dewar that the problem was increasing?

A Not Mr. Dewar. I received another call from Mr. Coljee to say the problem seemed to be quite serious.

Q So he had come to the West Wing?

A He was at the West Wing.

Q When Mr. Schlegel arrived, what happened, as far as your involvement?

A Mr. Schlegel and I, we had a young fellow that works in the canteen there. He stayed over to see if he could give us a hand. He is civilian staff actually. Mr. Schlegel asked him to look after the control room for a few minutes until when we went down. When we went down, then we saw things were in an uproar. In actual fact in my thirteen years there, other than the riot in '61, this is the worst incident I have seen.

Q What did you observe when you got down there?

A Well, there was three guards standing in the wing, which I thought was stupid on their part and I know Mr. Schlegel did too. There was boots being picked up and there was evidence of boots and other oddsand ends being thrown or having been thrown before.

THE COMMISSIONER: When you say in the wing, would that be inside the grill gate?

A Inside the grill gate, yes, sir. There were three officers right inside.

THE COMMISSIONER: Perhaps you could show us on one of the exhibits?

MR. PEACOCK: I believe 18.

THE COMMISSIONER: 18.

A This is the guard's cubicle. Do you have the one with the beds on the left hand side?

MR. PEACOCK: 16.

THE COMMISSIONER: 16 and 17.

A There was one guard standing about here, be about 24 and about 30 bed. There was another one standing approximately here and there was another one standing on the opposite side.

THE COMMISSIONER: Do you know who they were?

A I don't know who the guards were or what position they were but I know there was Mr. Peterson, Mr. Lynch was in there and Mr. Coljee.

THE COMMISSIONER: Peterson, Lynch and Coljee?

A Yes.

THE COMMISSIONER: Thank you.

Q MR. PEACOCK: Now they were in the wing when you arrived?

A They were in the wing.

Q What did you observe going on in the wing when you arrived?

A Well, there was lots of language, bad language, being projected towards the guards and also there was one bed I noticed was particularly way out in the center and that bed belonged to inmate

Spooner.

Q It was out of its position, was it?

A Yes, way out of its position and I would say at least four to six feet out into the hallway.

Q What did you then observe?

A Well, I didn't actually observe anything right away. Mr. Schlegel said "Things look pretty bad, don't they?" All the yelling and that and I said yes and him and Mr. Coljee had a talk together about who the ring leaders were and Mr. Dewar about who the ring leaders were, and Spooner's name was brought up as being one of the ring leaders.

Q Do you remember who the other ring leaders were or who it was discussed they were?

A Yes, Winters, Watson and Sims.

Q What occurred then?

A Well, Mr. Schlegel decided that we should take those four men out. We went to the guard room and we picked up some gas equipment such as the gas gun, the billies, several billies and they were taken to the West Wing.

Q And were you issued with a gas billie?

A No, I was issued with a gas gun.

Q Would you look at the Exhibit, I believe, 38. It is on the stage, Mr. Clerk. Is that the gas gun

with which you were issued?

A That's right.

Q And were you issued ammunition as well?

A One shell.

Q Could you look in the other box and find out if there is a shell in there like the one which was issued to you?

A That's the one.

Q What exhibit number is that?

THE CLERK: Number 7. 37, I should say, I am sorry.

Q MR. PEACOCK: 37, thank you. Now what did you do when you were issued with that equipment?

A When I walked into the wing -- mind if I stand up?

MR. PEACOCK: Certainly not.

A When I walked into the wing I put the cartridge into the chamber and I stood like that. If you close this up with the shell in it, you are liable to accidentally pull it and so therefore -- I have had lots of experience with this. Matter of fact, I have taught this gun to correction officers in Edmonton, the use of this gun.

Q So did you put the shell into it?

A Yes, sir.

Q And where was this issued to you? In the guard room?

A In the guard room.

Q So I take it then you all went back to the West Wing?

A At the same time, sir.

Q Now were you the first one into the West Wing?
Into the actual dormitory?

A No, I think I was about the third, sir.

Q Where did you go?

A I went to the west side of the West Wing.

Q And did you have the gun in your hand like you are
holding it now?

A Like I am holding it now, sir.

Q And what did you say?

A Would you mind if I swear?

Q Say exactly what you said, sir.

A There was some fellows, five actually, started
coming up towards me and I said, "I have got a
fucking gun here so stay where you are" and they
all walked back, the five of them. Now they
realized that this was the gun. It was semi dark
in the wing.

Q Were you able to identify who these inmates were?

A The first one I did recognize was the fellow named
Sims, no, Harwig.

Q Harwig?

A Yes.

Q Were you able to identify any of the others?

A The other four, no, sir.

Q Now when you advised them that you had the gun, what did they do?

A They went back to their beds. Everyone on that side went immediately back to their beds and I stood straight over bed 49 which is the first bed on the right hand side which is the west side.

Q Do you know whose bed that was?

A Yes, Prilburg, Emery Prilburg (phoenetics), an old fellow with a beard.

Q Now as you stood there, did you make any other comments to the inmates or yell any other instructions while you were in the dormitory?

A No, sir, no.

Q Did you observe what the other personnel of the Institute were doing at that time once you got into the dormitory?

A Tell you the truth, sir, I was so damn scared that I was just watching the guys on that side. I wasn't interested what was going on on that side.

Q You didn't observe any of the action going on on the other side of the wing?

A No.

Q You were on the west side of the West Wing?

A That's right.

Q Have you any idea how long you stood there?

A Maybe 10 minutes.

Q Do you recall hearing any sound as the other guards were on the other side of the wing?

A I just heard scuffling, that was all, sir.

Q Did you observe the guards loading anybody out of the wing?

A I just saw, I couldn't tell you who the guards were but I looked out the left hand side and I just saw them flash past me, that was all.

Q Then what did you do?

A Well, I noticed the other guards were all withdrawing so I got a bit scared myself and I backed out.

Q Did you back out?

A Yes, I backed out.

Q Did you say anything to the inmates?

A No.

Q Was anything said to you by the inmates while you were standing there with the gun?

A Well, there was lots of things being said at the time. If anything was directed to me, I don't know.

Q Then you backed out to the gate?

A Yes.

Q And when you got out the gate was closed?

A The gate was closed, that's right.

Q Did you wait in the West Wing after that or did you

help escort any people down to the solitary?

A No, I stayed in the West Wing for about maybe fifteen minutes.

Q And where did you stay? In the cubicle?

A In the cubicle, yes.

Q Did you observe if any noise continued after that?

A Yes, there wasn't a sound.

Q Pardon me?

A There wasn't a sound in the wing at all.

Q Did you observe any of the guards taking any of the inmates down the hall away from the West Wing?

A No, sir, I couldn't. I was in the wing. As I say, I was the last one out.

Q Did you then go back to the guard room?

A I went back to the guard room. I got back to the guard room approximately maybe 11:15, 11:30.

Q During your attendance at the West Wing, did you at any time observe anyone striking anybody else?

A No, sir.

Q Did you strike anybody?

A No, sir.

Q When you went back to the guard room, did you resume your duties in the guard room?

A That's correct.

Q And did anything out of the ordinary happen until you left at twelve o'clock?

A When they brought the four back from the hospital, there was a fight outside.

Q Was that four of the people that you had helped escort out of the West Wing during this incident?

A No, this was the four from the cell block that had drunk the home brew with ethyl-glycol.

Q This was another incident apart from this one?

A That's right.

MR. PEACOCK: Those are all the questions I have. Would you answer other counsel, please.

CROSS-EXAMINATION BY MR. STILWELL:

Q I think you said you got back to the guard room at 11:15 or 11:30?

A Approximately, sir.

Q Does that mean then that the action was continuous in the West Wing from about ten o'clock right up until that time?

A The noise, Mr. Schlegel and I and the other officers, we had to wait for some officers to come in from the other shift to give us a hand. We could never have done it with just the three of us, in my opinion, but there was --

Q From the beginning of the incident until the place finally quietened down was over an hour?

A Oh, yes, sir, yes.

Q Before you went in there, were you and the others

advised that there were knives in the West Wing?

A Mr. Merriam had told us that night just before we went in, as a matter of fact, he got back from the hospital and he said, "Watch it, you fellows, we believe that there are four knives in the wing." It was reported earlier that night.

Q And did you believe it?

A I did, sir, yes.

Q And so that all of the correction officers who went in there went in there with the expectation that the inmates had knives?

A That's correct, sir.

CROSS-EXAMINATION BY MR. MACDONALD:

Q The first report you got of this incident was about ten to ten, is that right?

A Approximately ten to ten.

Q At that time you were advised by Officer Dewar that he turned out the lights, the television and the radio, is that right?

A He didn't say anything about the television to me, sir.

Q He didn't? Are you sure about that?

A Do you mind if I check my notes?

THE COMMISSIONER: When did you make them, sir?

A The night it happened.

THE COMMISSIONER: How long after the incident?

A Oh, maybe two hours, about two o'clock in the morning, sir.

THE COMMISSIONER: Were the events fresh in your memory at that time?

A Yes.

THE COMMISSIONER: Do you wish to ask him questions about those notes, Mr. Macdonald?

MR. MACDONALD: No, no, no.

THE COMMISSIONER: Do you have anything to say about him referring to them?

MR. MACDONALD: No, as far as I am concerned he can refer to them.

MR. PEACOCK: I have no objection.

A I don't remember exactly what Mr. Dewar did say because I was in the guard room myself and we were short of staff.

THE COMMISSIONER: What you are referring to now are typewritten. Is that typing done by you?

A No, this was typewritten the next day by the girl in the office.

THE COMMISSIONER: Well now, if you are going to refer to notes, I want you to refer to notes that you made yourself.

A I have them in the briefcase outside.

THE COMMISSIONER: You better get them.

Mr. Macdonald.

Q MR. MACDONALD: Are those the notes you made?

A These are the notes I made. That was that night.

Q Now with respect to what Mr. Dewar told you in his first telephone call, what did he tell you according to your notes?

A Approximately 9:50 July -- do you mind if I read the whole lot?

Q No, go ahead.

A "Approximately 9:50 July 17th, 1973 Mr. Dewar phoned from the West Wing to say that the inmates were very noisy after he put out the lights and the radio off. I told Mr. Dewar that the radio should still be on and told him to turn it on. This is as per instructions from Mr. Merriam. Mr. Coljee went to the West Wing from the South Wing."

Q Let's just deal with this one at a time. I have got a statement here I would like you to look at. That statement, sir, I understand is a statement --

A It was by me, I know.

Q That is your statement, is it?

A Yes.

Q And in that statement you say --

A As I say, I don't know about the T.V. On this I

haven't put anything about the T.V. and if Mr. Roberts would like to tell you the morning he took that statement I had been on midnight shift and hadn't had sleep for at least three nights before that.

Q Who are you suggesting would be inaccurate, your telling Mr. Roberts or his --

A No, I must have been inaccurate in telling him that the T.V. was off.

Q When Mr. Dewar told you the radio was off, what did you think that meant?

A Well, it's hard to say. He didn't say he turned the radio off. He said he switched the radio.

Q Did he say that or has he told you since that time that that is what he meant?

A He hasn't told me anything since that time because we haven't spoken about this case other than the occasional --

Q Well, you have referred to it in your notes as the radio being off.

A Well, okay, the radio was off.

Q And this was at 9:50, was it?

A At 9:50.

Q And the lights were off?

A The lights were off, yes.

Q Pardon me?

A The lights were off. Usually, let me get this straight too, usually they turn off two or three banks of the lights at approximately 9:50 to get the guys ready for bed at 10:00.

Q The radio being off at 9:50, that was certainly against regulations, wasn't it?

A Yes.

Q And you advised him that he better comply with regulations and leave it on?

A Mr. Merriam advised him to turn the radio back on.

Q Did you have an inkling there was going to be trouble in the West Wing that night?

A Yes.

Q And what was this based on?

A Not necessarily the West Wing but trouble that night.

Q Isn't it a fact that when Dewar phoned you he said, "All hell has broken loose"?

A Hmm, hmm.

Q And that was --

THE COMMISSIONER: Your answer is yes?

A Yes.

Q MR. MACDONALD: And that was early in the incident? That was at 9:50?

A Yes.

Q And that was his analysis, that all hell had

broken loose?

A Broken loose, yes.

Q When did you first get down there yourself? What time?

A When did I first get down there?

Q Yes.

A It was when Mr. Schlegel came.

Q Do you know the time that you first arrived at the West Wing?

A Do you mind if I refer to the note again, if you want the exact time.

Q Do you have to?

A Well, I would say approximately 10:10, 10:15.

Q Is it not a fact that at 11:40 the situation had quietened down?

A At what time?

Q 10:40, I am sorry.

A 10:40, yes, quieted down a bit, yes.

Q When you arrived, were the lights on or off?

A There was one bank of lights on on the left hand side.

Q And you stood on the right hand side, I take it, when you had the gas gun?

A On the west side, yes.

Q And you indicated that you couldn't see what was going on over on the west side? Have I got that

right? The west side, the left side?

A Yes.

Q Because the lights were off?

A No, not because the lights were off. Because there is a wall there. There is a five foot high wall there.

Q Did you say that Spooner's bed was four to six feet out into the middle of the hallway?

A Yes.

Q Has Spooner been regarded as a bit of a trouble-maker in this Institution?

A Prior to that I had heard rumors but nothing definite about him but he was quite mad at the Institution for not getting day passes, etcetera, I know that much.

Q Those gas billies and gas guns were issued to you before you had any knowledge of the knives, isn't that right?

A No, sir, no, we knew about the knives earlier on that evening.

Q Wasn't it when Merriam came back from the hospital?

A When Merriam came back from the hospital. That's when we took the gas equipment.

Q Wasn't it taken before then?

A No, sir.

Q Are you telling me that the reason you took out

those gas billies and the gas guns was because of this word about the knives?

A Yes.

Q Read that part starting with the word Mr. Schlegel where my thumb is pointing.

A Mr. Schlegel, Mr. Merriam came back from the hospital at the same time as we were in the guard room, right, and another thing --

Q Would you --

A Do you mind if I ask you a question?

THE COMMISSIONER: No, you can't ask any questions at this stage. Mr. Macdonald, I take it what you are attempting to do is to draw to the witness's attention an inconsistent statement with one that he previously gave?

MR. MACDONALD: That's correct.

THE COMMISSIONER: Well, do you think it might be better if you asked him did he not on another occasion give a statement.

MR. MACDONALD: All right, I can follow that.

THE COMMISSIONER: Would you do that.

Q MR. MACDONALD: Do you recognize that statement?

A Yes, I do.

Q Is that the statement that you have indicated

previously that you gave to Mr. Roberts?

A Yes, it is.

Q And you would agree with me, would you not, that that is inconsistent with what you have just told me?

A Well, it is and it isn't. Mr. Merriam came back at the same time as we were in the guard room, right.

Q Now follow with me, would you please, from this point, "We decided to get Mr. Coljee". Do you see that point on the statement?

A That's correct, "decided to get Mr. Coljee and the rest of the officers out of the dormitory for their own safety," that's correct.

Q "Decided to get Mr. Coljee and the rest of the officers out of the dormitory for their own safety."

A Hmm, hmm.

Q "Mr. Schlegel came back, opened the safe and got the billies and the gas gun out, gave me the gas gun and at the same time said something to me about me not being trigger happy. He wanted me to take the gas gun."

A Hmm, hmm.

Q "The others had billies, Lynch, Peterson, Uitbeyerse, Coljee and Boughton. We went down to

the West Wing and Mr. Dewar was in the cubicle. Mr. Merriam came back from the hospital just then."

A Hmm, hmm.

Q Now that clearly indicates, doesn't it, that you were back down at the West Wing after having already got out the gas billies and the gas guns?

A That's right, it does.

Q So you got them out before Merriam came back and told you about the knives?

A We were getting them out.

Q Do you get them out all the way down to the West Wing or don't you get them out at the guard room?

A Well, I think Mr. Roberts when he questioned me on this asked about the gas billies being issued at the West Wing.

Q Well, let's start with this proposition, first that what is in that statement is inconsistent with what you have told us here today under oath?

A Some of it is, yes.

Q And is it your evidence further that the reasons for the inconsistency is that Mr. Roberts must have got it down wrong?

A Well, I will tell you the truth, sir, I just finished midnight shift that night. I had been under nervous tension. I am taking medication right now for nervous tension, right.

Q All right.

A And exactly what I said to Mr. Roberts that morning, I never even signed this.

Q Is it inaccurate?

A No, it isn't inaccurate but in some aspects it appears to be inaccurate.

Q Are you sure what happened at all?

A Look, I am sure that the day that we went to the guard room and we got the gas billies, right, the gas billies were taken down to the West Wing. They were issued at the West Wing. I took the gas gun with one cartridge, right.

Q Hmm, hmm.

A What time Mr. Merriam got back was approximately the same time.

Q Are you now saying under oath that it is possible that Merriam got back after those things were issued?

A I don't know, sir. I think you have got me on that.

THE COMMISSIONER: Just take your time. Do the best you can.

A Merriam definitely was in the guard room when the stuff was being gotten out of the safe.

Q MR. MACDONALD: The decision to get the stuff out of the safe, that was made when you were

down in the West Wing and you came back to the guard room to get it, wasn't that how it happened?

A Well, yes, yes, it was, yes, it was decided that we were going to have to use force most likely to get those guys out of the wing owing to the fact that there were knives in the wing.

Q You didn't know about the knives till you talked to Merriam.

A Mr. Merriam told us there were knives in the wing.

Q He told you that in the guard room, did he?

A He told us that in the guard room.

Q And that was after you decided already to get them out by use of force and get the gas billies and the gas guns, now that's correct, isn't it?

A Would you like to say that again?

Q The decision to take these men out by force was made in the West Wing?

A It was made in the West Wing. No --

Q You then returned to the guard --

A Not necessarily by force. By taking four men out of the wing.

Q Well, using the gas billies and the gas guns --

A Not necessarily using them.

Q All right, I appreciate what you are trying to say but you were going to go into the wing with those particular items?

A That's correct.

Q And that decision was made in the West Wing?

A That was made in the West Wing before we got back to the guard room to pick up the stuff.

Q And when you got back to the guard room to get the stuff, Merriam said "Watch out, there may be knives in the wing"?

A That's correct.

Q Thank you. Why were you given the gas gun?

A Because I had had more experience with use of it owing to the fact that I was instructing on it or had been instructing.

Q The phrase trigger happy was used, was it not?

A Yes, it was, yes.

Q Mr. Schlegel afraid that some of the other guards might be a little trigger happy?

A This I couldn't tell you. I don't know what Mr. Schlegel was thinking.

Q Do you remember the context in which the word trigger happy was used?

A No, no, I don't know the context.

Q Have a look at that statement, see if that refreshes your memory.

A He said something to me about not being trigger happy and he wanted me to take the gas gun. I believe that possibly it was referring not to give

it to a younger or a newer officer.

Q Because they might be trigger happy?

A Yes.

Q Were you there when, I believe it was Officers Dewar and either Lynch or Coljee walked down either side of the wing?

A No, I wasn't there. They were already in there when I got down with Mr. Schlegel.

Q At any time did you see any guard or officer of the Institution struck by an inmate?

A That night?

Q Yes.

A No.

Q If I can use the phrase, did you see any inmate make any sort of menacing move towards the guards?

A No, I didn't see anything, no. I heard afterwards but --

Q Now when you went in to the wing and stood on the right side, that was the side with the lights on, is that correct?

A Off. The left hand side had the lights on. Actually it is, there is four banks and it was just slightly off to the left from the wall that ran down the partition.

Q You say five men approached you?

A Five men were coming up the aisle.

Q How far away from you were they?

A I would say the nearest one who I recognized as being Harwig maybe twenty feet.

Q Was he going to bed or what was he doing?

A I don't know what he was going to do. Possibly. His bed would have been in that area. I think it was number 56, 57, something like that.

Q He certainly didn't menace you in any way, did he?

A Pardon?

Q He didn't menace you in any way, did he?

A No.

Q What was it exactly that you said again?

A When?

Q When you had the gun.

A Well, when I had the gun -- do you want the exact words again?

Q You bet.

A I said don't anybody -- I said, "I have got a fucking gun," I said, "Don't anybody come up here," and these five were coming up and they went back down. Everybody on that side seemed to be in bed or getting into bed.

Q Is it common for you or uncommon to speak to inmates in that way?

A I would say it was uncommon but normally these days when an inmate swears at you, you swear at him

back.

Q Is that against the regulations, by the way?

A Pardon?

Q Is it against your regulations?

A It is against regulations for an inmate to swear at a guard and a guard to swear at an inmate.

Q Have you ever heard Mr. Dewar swear at an inmate?

A Well, to be quite frank with you we are very seldom together or close to one another when he is in contact with inmates. I am in the guard room and he is in his wing in his cubicle.

Q Fine. Now you first arrived down there at about 10:15, is that right?

A Approximately.

Q The lights on or off? I am speaking of those two main banks.

A There was one bank when we got there. Now previous to that I understand there were two banks on and so on and there was lots of discrepancy about how many banks were on and how many lights were on prior to me getting there. I don't know because I wasn't there.

Q The pattern of the noise that was being made in the wing itself, did it go up and down or was it constant?

A When I first got there it was constant and they saw

Mr. Schlegel and I enter and it did quieten down a bit.

Q For how long did it quieten down?

A For a few minutes and then it went up again and Mr. Schlegel decided at that time it would be best to call the guards out that were inside the wing.

Q Were the men in their beds or out of their beds when you made that decision?

A Some were in, some were out.

Q Did the number of lights that were on have any effect on the level of the noise?

A I couldn't tell you that.

Q What I am asking is perhaps if when the lights were down, not down but off, did the noise subside?

A No, the noise went up.

Q When the lights went off, the noise went up?

A That's right. There was more verbal abuse of the officers.

Q Was the air filled with flying boots?

A Not when I was in there, no.

Q Did you see any boots fly at any time?

A No, but it was obvious that some had been thrown by them being in the middle of the floorway.

Q When you were there did you just hear lockers rattling and people yelling?

A Yes, and beds being banged up and down. They were

on the bed and jumping up and down on the beds.

Q You considered this to be the closest thing to a riot you had seen since 1961?

A That's correct, sir.

THE COMMISSIONER: Have you seen a riot?

A In '61, yes, sir.

THE COMMISSIONER: Where?

A At Spy Hill, when they ripped the North Wing apart I was called in to assist.

THE COMMISSIONER: Thank you.

CROSS-EXAMINATION BY MR. GRIFFITH:

Q Mr. Cater, you were short staffed that night then, were you?

A Very short staffed.

Q How many officers were you short?

A How many officers were we short? What I would like to see on a shift is a minimum of seventeen men.

Q How many were on that shift?

A I had fourteen men on shift. I had two I had to send to the hospital and I kept one man over who was supposed to have left at nine o'clock. This is Mr. Attenborough and also I brought a man in, Mr. Martins, also to assist to take these four men to the hospital, which left me twelve men on shift.

Q Do you recall submitting a/written report to one of the

wardens about this incident?

A Yes.

Q Do you recall when exactly you did that or approximately when you submitted that report?

A I believe that was on the Thursday. I am not too certain.

Q Thursday after the incident?

A Yes.

Q Are you aware of any --

A To Mr. Stanton.

Q To Mr. Stanton. Are you aware of any attempt to suppress the facts surrounding this incident?

A Could you define that a little bit more, sir?

Q Yes, has anyone instructed you or has anyone told you to hold back on information about this incident and the facts relating to it?

A Well, sir, something did happen that -- we got strange phone calls. Now --

THE COMMISSIONER: Pardon? Somebody coughed just when you answered. What did you say?
Somebody --

A I said strange phone calls, your honor.

THE COMMISSIONER: From who?

A I don't know, sir.

THE COMMISSIONER: Anonymous phone calls?

A Yes, anonymous type.

THE COMMISSIONER: At your residence or place of work?

A No, the place of work, sir, and someone said, "Your job is on the fucking line."

Q MR. GRIFFITHS: Has anyone told you not to admit the facts as they occurred or to give statements or to testify?

A No, sir, we have had some remarks from inmates but I guess that is the usual procedure.

MR. GRIFFITHS: Thank you.

EXAMINATION BY THE COMMISSIONER:

Q Mr. Cater, were these voices male or female?

A It was a female voice, sir.

Q Said to you, "Your job is on the fucking line"?

A That's right, and also that same night --

Q What night is this?

A This was possibly two weeks ago, sir.

Q Two weeks ago?

A I couldn't tell you exactly because we get these type of things, you know, quite frequently.

Q Did they say why your job was on the line?

A No, but the person didn't know who she was talking to because when I answer the phone I always say Calgary Correctional Institute. I don't give anybody's name.

Q The moment you answered the phone you then

Was there any other conversation?

A No, not at that time. Later on she phoned again.

Q The same voice?

A The same voice.

Q Yes.

A Said the same. It sounded like a young girl.

Q An immature person?

A Yes, and sounded as if they were intoxicated some way or other but she says, "Who am I talking to". I says, "Well, would you like to tell me who I am talking to?" and she says, "It is none of your fucking business," and hung up but then again, as I say, we often get this.

Q You didn't attach any particular significance to that, did you?

A Not really, no. I believe I told the warden actually about that.

Q Now then sir, with respect to the time that you got the phone call from Mr. Dewar, that was about ten to ten?

A Yes.

Q Tell me this, would this be ten minutes early in when the lights are turned down, shall we say, and the radio switched?

A No, normally the radio is switched at, I believe it's ten o'clock.

Q Yes.

A We don't have it in the wing so we don't have too much.

Q Then --

A But --

Q Go ahead.

A You get the officers will change the program prior and don't leave it on longer than regulation.

Q In other words it is not really fixed, it is approximate.

A It's approximate.

Q But tell me this, are the inmates entitled to assume they will have music until 10:00?

A Until 10:00 and then it is switched unless, of course, you get a request and in the cell block quite often you will get a request "Will you change it to CFAC or CFCN" or something like that.

Q But in any instance either the radio was turned off or switched ten minutes prior to the usual time?

A Yes.

Q Was any explanation given to you for that?

A No.

Q Do you know of any reason?

A No, I don't know of any. I did say that the radio should be kept on until ten o'clock.

Q Or by on, either that or back to the channel the inmates wanted, is that what you felt or did you know?

A Well, I haven't run a wing now for six years and in those days I used to, you know, if they wanted a special program I would give it to them.

Q In any event then, did you make the decision to have the radio go back on, whatever that meant, by yourself, or did you get instructions?

A No, Mr. Merriam.

Q Mr. Merriam?

A Yes, he instructed.

Q Now you interested me rather intensely when you said you saw the three officers standing in the West Wing and you thought that was extremely foolish.

A Mr. Schlegel and I both felt it was.

Q Well, why?

A Well, for one thing we saw that boots had been thrown.

Q Yes.

A And also there was 82 men in the wing that night.

Q Eighty-two men?

A Eighty-two men.

Q Any other reason?

A There was only three officers there.

Q And what was your total staff at that time?

A Twelve, sir.

Q Twelve. And did you say that you had been advised that you were expecting, I think your words were, a rumble from the South Wing?

A From the South Wing.

Q Now then can you perhaps assist me in this, you say there were 82 men in the dormitory?

A Hmm, hmm.

Q And the dormitory is designed for how many?

A Ninety-six.

Q So there could have been as many as 96 men there?

A There could have been.

Q Well, if it is designed for 96 and there are only 82, why would there be a problem if three men were in the wing?

A Well, it was the noise and then, you know, the possibility, the language that was going on and as I say, a few boots were in the hallways there.

Q Do I take it from that then that the situation is all right provided the inmates are kept quiet?

A Yes, yes.

Q Would you agree with me that it is highly dangerous for the guards, if it is not?

A Well, if there were two guards in the wing, it wouldn't be so bad. I used to run that West one, run it for quite some time by myself, but then again you have got to have, oh, a type of friendship, if you want to call it that, and if you want a certain inmate moved out, you have got to have cooperation in the guard room.

Q Hmm, hmm.

A If he is a trouble maker and you want him moved out.

Q Tell me this, you said you thought it was very foolish for three men in there and yet this is what puzzles me, and yet you say that you felt it would be all right if there were two men in the cubicle.

A The cubicle, sir, is --

Q I know.

A But these three men were actually down in the wing while all the noise was going on.

Q What you are saying then is as long as the two men stay in the cubicle, they are all right?

A Definitely.

Q But you don't go into that cubicle or go into the dormitory after lights out?

A Oh, no, the normal time, yes, you have to make your check.

Q But you don't go in if they are abnormal?

A This is the first abnormal case we have had in a long time.

Q But you have had them?

A Yes.

Q Let me ask you this directly, are dormitories a satisfactory way of housing inmates?

A No.

Q Pardon?

A No, not dormitories this size.

Q What size would you suggest?

A Twelve to twenty-four.

Q Yes. You said these are not satisfactory for housing inmates?

A No.

Q I take it then when you have that kind of a situation such as the one we have had in the past three or four days can develop?

A Yes, you get maybe two or three bad guys and even the guys that spoke to you like the average inmate, they come up and say, "Mr. Cater, how are things doing," and they talk to you so you knew there was something going on.

Q Do I take it from that then, sir, that you don't have dormitories in an institution at all because that it makes it easier for these things to happen?

describe as bad actors or ring leaders to instigate?

A Move them into another area.

Q No, no, you misunderstand my question. A dormitory such as this size, from what you have told me, certain persons who were friendly to you that spoke to you, when they stopped speaking to you then you realized there is something coming up?

A That's right.

Q And I am suggesting to you, and you tell me whether I am right or not, in a dormitory of this size that it certainly makes it possible for ring leaders or instigators to stir or start something. Is that correct in that?

A Yes.

Q And by that, not only incidents or rumbles? Rumbles would be one thing, wouldn't it?

A Yes.

Q And I take it in a dorm of this size it is in most cases impossible to properly supervise other activities in the dorm?

A Do you mind if I give you an instance?

Q Yes, go ahead.

A Now this bed here where that fellow was sitting there --

Q Just for the record, you are now pointing to I believe, Exhibit 16. Do you have anything else to say?

A It was two Sundays after this incident, which, I think would be about the 29th.

Q Now referring to Exhibit 16.

A Mr. Dewar --

MR. STILWELL: I can't hear the witness.

THE COMMISSIONER: I am sorry.

A The far bed, the far two beds on the right hand side of the east side of the dormitory, there were four men sitting on the last two beds, two facing towards the cubicle, two facing away from the cubicle. Now Mr. Dewar, this was, I believe, it was two Sundays afterwards, which would be about the 29th.

Q Off?

A Of July.

Q Yes.

A They were obviously up to something because the rest of the inmates were down this way, keeping well away from them. Mr. Merriam called one of the guards up, one of these inmates up to the guard room and we found by smelling him and talking to him and observing his walking that he had been sniffing some type of substance. They brought another fellow up and he was in the same condition.

Q Was this in the daylight?

A This was in the daylight.

Q Well, what goes on at night?

A Well, this is it, sir.

Q Pardon?

A This is it. What does go on at night?

Q You are there.

A Yes, but we don't have complete light after ten o'clock.

Q I want you to tell me about it.

A This is in pure daylight and at any rate, it was discovered afterwards that one of the inmates was allowed painting and finishing. They do these oil paintings and put finish on it; you know, on top and they found out that he had been letting them use it for sniffing.

Q All right, that's another reason why dormitories are unsatisfactory?

A Yes.

Q Have you ever made any suggestions to persons responsible that these dormitories are not satisfactory?

A I haven't myself.

Q I am not criticizing you, I am asking you.

A No, sir.

Q Have you ever suggested to anyone?

A Yes, I have.

Q Who have you suggested to?

A To the warden and Mr. Stanton that we should cut this in half. Once upon a time, sir, we did have six dormitories in there but they were made of wood. They were made of plywood and they were smashed to pieces by the inmates. This would be 1960, '61.

Q And therefore once they were smashed, the whole thing was opened up and left?

A They were sixteen bed dormitories.

Q Can you supervise sixteen bed dormitories?

A I think so in a case like that because they have lots of glass. Have you seen the North Wing?

Q No, I haven't.

A The North Wing you have got windows you can look in on the way down both sides and you can observe them pretty well and they are sixteen beds to a dormitory and there the people, the inmates are a lot happier. There is less of this pushy feeling, crowded in feeling. You get 96 inmates in that dormitory, it's like a snake pit.

Q Ninety-six is like a snake pit?

A Yes.

THE COMMISSIONER: Any questions arising of that, gentlemen?

MR. PEACOCK: That's all, thank you, Mr. Cater.

(The witness retires)

MR. PEACOCK: I presume the other three witnesses we have scheduled for today should be brought back?

THE COMMISSIONER: Now Mr. Peacock, I believe we have an announcement about the location of this.

MR. PEACOCK: Provided it has been confirmed.

THE COMMISSIONER: It has.

MR. PEACOCK: Provided I can find it as well. The commission sittings will be moved to the Southern Alberta Institute of Technology starting Tuesday. The room will be E173 located in the East Block of SALT commencing Tuesday at ten o'clock in the morning. For any of those who are not aware of where this building is or where the facilities are, we have several maps here and you can come to my table after we adjourn and a map will be shown to you so that you can find your way. Thank you. We will adjourn till Tuesday at ten o'clock.

(Hearing is adjourned)
